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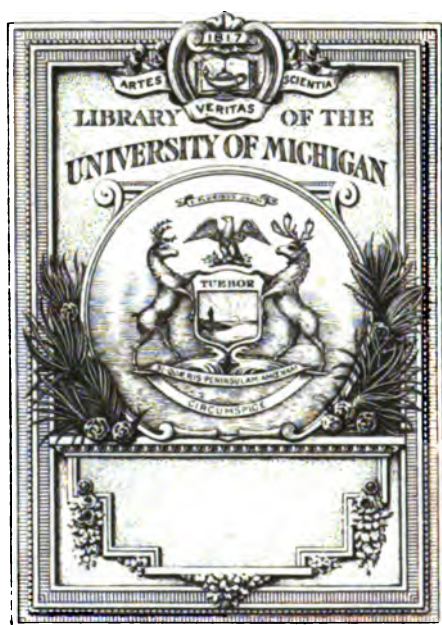
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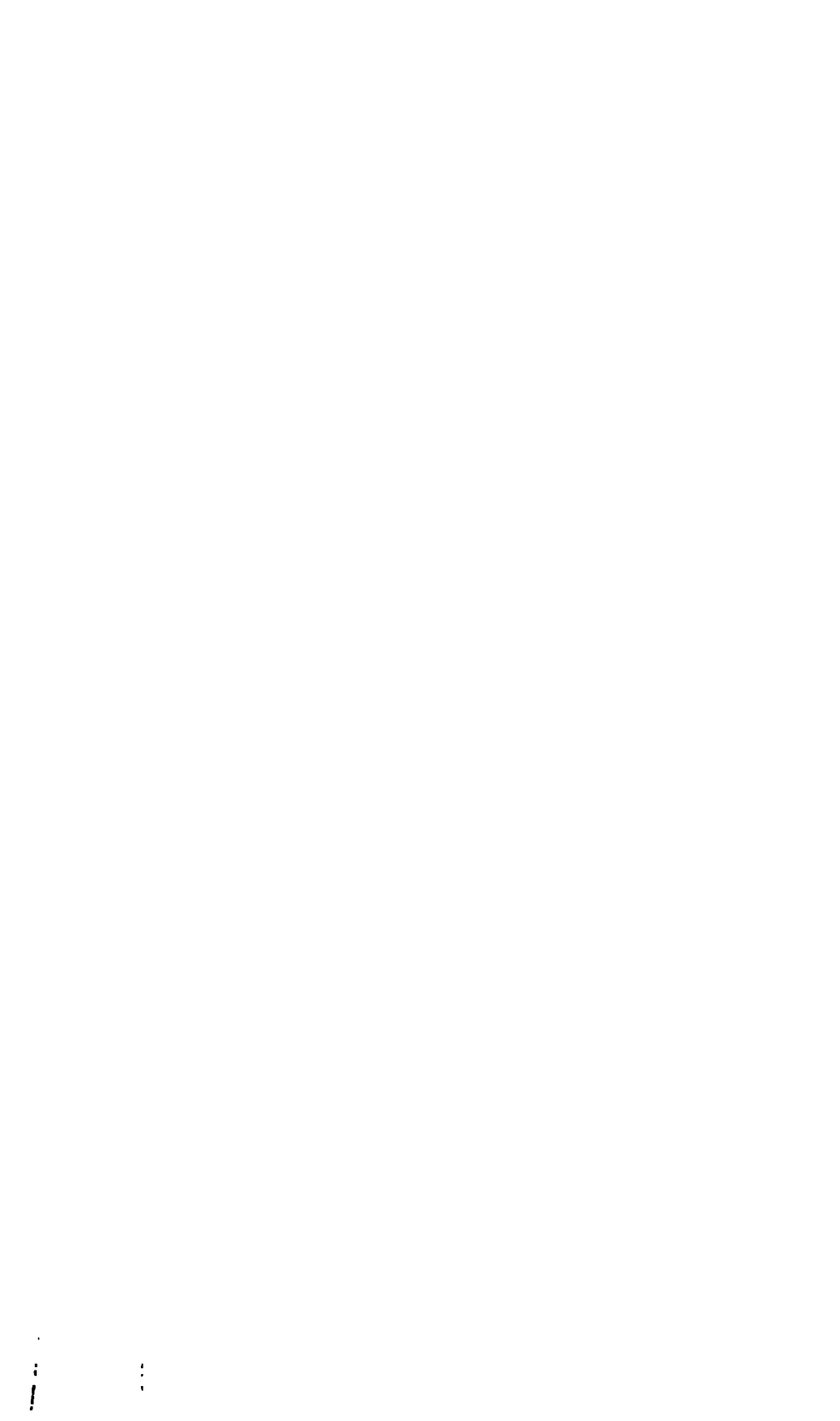
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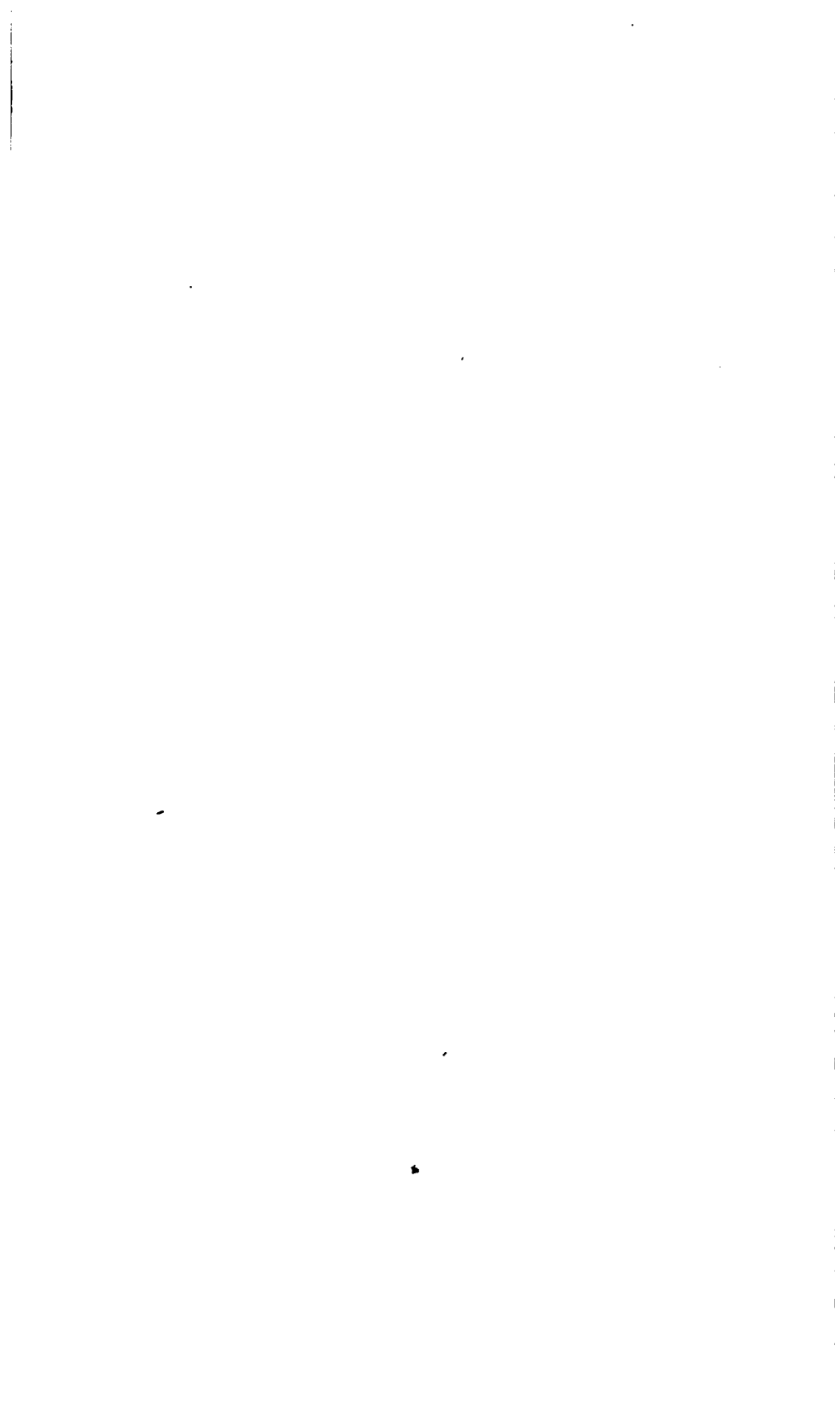
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DOCUMENTS

OF THE

ASSEMBLY OF THE STATE OF NEW YORK.

ONE HUNDRED AND FOURTH SESSION,

1881.

VOLUME II.—Nos. 12 to 28 Inclusive.



ALBANY:

WEED, PARSONS AND COMPANY, STATE PRINTERS.

1881.

D



STATE OF NEW YORK.

No. 12.

IN ASSEMBLY,

JANUARY 11, 1881.

ANNUAL REPORT

OF THE MANAGERS OF THE THOMAS ASYLUM FOR ORPHAN AND DESTITUTE INDIAN CHILDREN.

To the Honorable the Legislature of the State of New York :

The Managers of the Thomas Asylum for Orphan and Destitute Indian Children, in pursuance of chapter 162 of the Laws of the year 1875, would respectfully submit the following report, showing the financial condition of the said Asylum, and the number of children supported therein during the fiscal year ending September 30, 1880.

The said asylum was incorporated by special act of the Legislature of the State of New York, per chapter 223 of the Laws of 1855, and re-organized per chapter 162 of the Laws of 1875.

SCHEDULE A.

Financial Statement.

Value of real estate and buildings.....	\$20,500 00
Value of personal property, including furniture.....	3,000 00
Total.....	<u>\$23,500 00</u>

Received during the Fiscal Year ending October 1, 1880.

From the State of New York for the support of children .	\$7,860 46
From annuities of Indian children.....	372 82
From articles sold and labor performed.....	795 84
From board of teachers and others.....	129 00
In hands of the treasurer at the close of last fiscal year.	60 95
Total receipts.....	<u>\$9,174 03</u>

Expenditures during the Fiscal Year.

For salary of superintendent.....	\$900 00
For wages of matron.....	400 72
For wages of other laborers.....	1,669 51
For clothing	1,375 67
For bread and bread stuff.....	846 86
For meat	588 07
For groceries and other provisions.....	1,037 10
For house furnishing and repairs.....	413 69
For blacksmithing tools and wagon.....	170 57
For medical and funeral expenses.....	92 12
For permanent improvement	19 13
For postage, books and stationery.....	17 72
For fuel and lights.....	412 45
For stock and feed for stock.....	632 69
For exchange.....	8 81
For traveling expenses.....	31 63
For rent of land, seeds and manure.....	352 19
For broom material	178 92
Total disbursements.....	\$9,172 74
Remaining in the hands of the treasurer.....	1 29
Total as above.....	\$9,174 03

SCHEDULE B.

Statement of the number of orphan and destitute children supported by the Institution during the year ending September 30, 1880.

No.	NAME.	Age.	Sex.	Reservation.	No. days.
1	Walter Kennedy	16	Male.	Cattaraugus ..	92
2	Chancy Pierce	15	"	" ..	274
3	Edward Dudley.....	12	"	" ..	366
4	Emerson Pierce.....	12	"	Allegany.....	366
5	Fred Jimison	14	"	"	366
6	Newton Bennett	13	"	Cattaraugus ..	366
7	Peter Smith	16	"	Tonawanda ..	183
8	Newton Smith.....	14	"	" ..	183
9	Moses C. John.....	13	"	Allegany	366
10	Horatio Jimison	13	"	Cattaraugus ..	366
11	Thomas Beaver.....	14	"	" ..	274
12	Henry Thompson	14	"	" ..	366
13	Benjamin Jimison.....	11	"	" ..	366
14	Willis Anderson.....	12	"	Tuscarora	366
15	George Duxtater.....	11	"	Cattaraugus ..	366
16	Sherman Anderson	10	"	Tuscarora	366
17	Cyrus Billy.....	16	"	Tonawanda ..	183
18	Frank Billy	13	"	" ..	366

SCHEDULE B—(Continued).

No.	NAME.	Age.	Sex.	Reservation.	No. days.
19	William Jones.....	9	Male	Cattaraugus ..	366
20	Greene Jimison.....	12	"	" ..	366
21	Linus Logan	11	"	" ..	366
22	Abram Printup	16	"	Allegany.....	183
23	Willet White	15	"	Cattaraugus ..	366
24	John White	10	"	" ..	366
25	Charles White	8	"	" ..	366
26	Andrew Billy.....	10	"	Tonawanda ..	366
27	Richard Jones.....	11	"	Allegany	366
28	Charles Black.....	8	"	"	366
29	Peter White	7	"	"	357
30	Dennis Titus	15	"	"	92
31	Jussel Printup.....	17	"	"	183
32	Robert Isaac.....	14	"	Cattaraugus ..	366
33	Peter Duxtater.....	7	"	" ..	366
34	Willis Crouse.....	11	"	Allegany	366
35	Abner Crouse	9	"	"	366
36	Hatch Joe	17	"	Cattaraugus ..	366
37	Hiram Joe	15	"	"	366
38	Charles Jimison	17	"	Allegany	183
39	Bela Jimison	15	"	"	183
40	Lyford S. Longo	12	"	"	366
41	Willis Jimison	12	"	"	357
42	Sylvester Jimison	10	"	"	357
43	Ephraim Jimison	10	"	"	305
44	Silas Jimison	7	"	Tonawanda ..	305
45	Jerome Jimison.....	12	"	Allegany.....	298
46	Leonard Snyder.....	10	"	Tonawanda ..	281
47	Wallace Taylor	10	"	" ..	274
48	Chester Sky	9	"	" ..	274
49	Solon Sky	11	"	" ..	274
50	William Cooper.....	13	"	Cattaraugus ..	182
51	John Winny.....	14	"	" ..	220
52	Fred. Bullis	14	"	" ..	206
53	Joseph Toy	14	"	" ..	182
54	William Bumberry	13	"	" ..	366
55	Samuel Dyck.....	11	"	Allegany	167
56	Jonie Jacobs.....	13	"	Cattaraugus ..	183
57	Oliver John	11	"	Allegany ..	27
58	Howard Shongo.....	8	"	"	18
59	Lyman Billy.....	5	"	Tonawanda...	18
60	Betsey Winney.....	16	Fem'le	Cattaraugus ..	274
61	Louisa Greene.....	16	"	" ..	366
62	Abby Bennett.....	15	"	" ..	366
63	Hattie Logan.....	15	"	" ..	366
64	Alice King	14	"	" ..	366
65	Sylvia Pierce	16	"	" ..	183

SCHEDULE B — (Continued).

No.	NAME.	Age.	Sex.	Reservation.	No. days.
66	Alice Mont Pleasant.....	11	Fem'le	Tuscarora	149
67	Lurinda Brooks.....	15	"	Cattaraugus ..	366
68	Effie Johnson.....	16	"	All	366
69	Junia Johnson.....	14	"	"	366
70	Lillie Prentup	15	"	Tuscarora	366
71	Amanda Jimison.....	16	"	Cattaraugus ..	366
72	Sarah Waterman.....	17	"	"	366
73	Olive Bishop.....	14	"	"	366
74	Florence Anderson	17	"	Tuscarora	366
75	Alice Thomas.....	15	"	Cattaraugus ..	366
76	Amanda Moses.....	12	"	Tonawanda...	366
77	Louisa Crouse.....	9	"	Cattaraugus ..	366
78	Olive Bennett.....	10	"	"	366
79	Sylvia Shanks	12	"	"	366
80	Edith Shanks.....	11	"	"	366
81	Tip Thompson.....	16	Male	"	92
82	Ida Brooks	12	Fem'le	"	366
83	Loreney Brooks	10	"	"	366
84	Louisa Jimison.....	10	"	"	366
85	Alice Jimison.....	8	"	"	363
86	Caroline Cayuga	12	"	"	363
87	Laura White.....	13	"	"	366
88	Eliza Bumberry.....	15	"	"	366
89	Lucy Bumberry.....	12	"	"	366
90	Minnie Bumberry	11	"	"	366
91	Martha Bumberry.....	9	"	"	366
92	Emily King	11	"	"	366
93	Alsina John	10	"	Allegany	366
94	Elizabeth Bennett.....	16	"	Cattaraugus ..	92
95	Mary Armstrong	8	"	"	366
96	Nancy Jimison	11	"	"	366
97	Louisa J. Thompson.....	11	"	Tuscarora	366
98	Lorency Pierce	6	"	Cattaraugus ..	366
99	Martha Button.....	13	"	"	366
100	Julia Jackson.....	14	"	"	92
101	Eva Jimison.....	9	"	"	366
102	Helen Crouse.....	14	"	Allegany	366
103	Anna Titus.....	11	"	"	357
104	Ida Titus.....	10	"	"	357
105	Addie Gordon.....	12	"	"	357
106	Louisa John.....	9	"	"	316
107	Jemima Blankey	4	"	Tonawanda...	316
108	Asmoth Bishop	4	"	Cattaraugus ..	167
109	Jane Sundown.....	7	"	"	183
110	Ida Sundown.....	4	"	"	183
111	Salina Mittiu.....	9	"	Tonawanda...	137

SCHEDULE B— (Continued.)

No.	NAME.	Age.	Sex.	Reservation	No. days
112	Phinie Mittin.....	4	Fem'le	Tonawanda...	137
113	Lizzie Infant.....	11	"	"	122
114	Edith Pierce.....	5	"	Cattaraugus ..	183
115	Abby Jacobs..	16	"	"	183
116	Rose White.....	14	"	"	183
117	Ida Mittin.....	7	"	Tonawanda...	92
118	Margaret Sprague	8	"	Cattaraugus ..	66
119	Agnes Sprague.....	6	"	"	66
120	Clara Shanks	8	"	"	58
121	Julia Taylor	11	"	Tonawanda...	48
122	Laura John.....	11	"	Cattaraugus ..	32
123	Martha Tamson	8	"	Allegany	32
124	Cerinda Shongo	11	"	"	18
125	Janie Duxtater.....	9	"	"	18
126	Orlando Duxtater.....	15	Male	Cattaraugus ..	92
127	Fanny Fatty.....	17	Fem'le	Allegany	92
Total.....					35,131

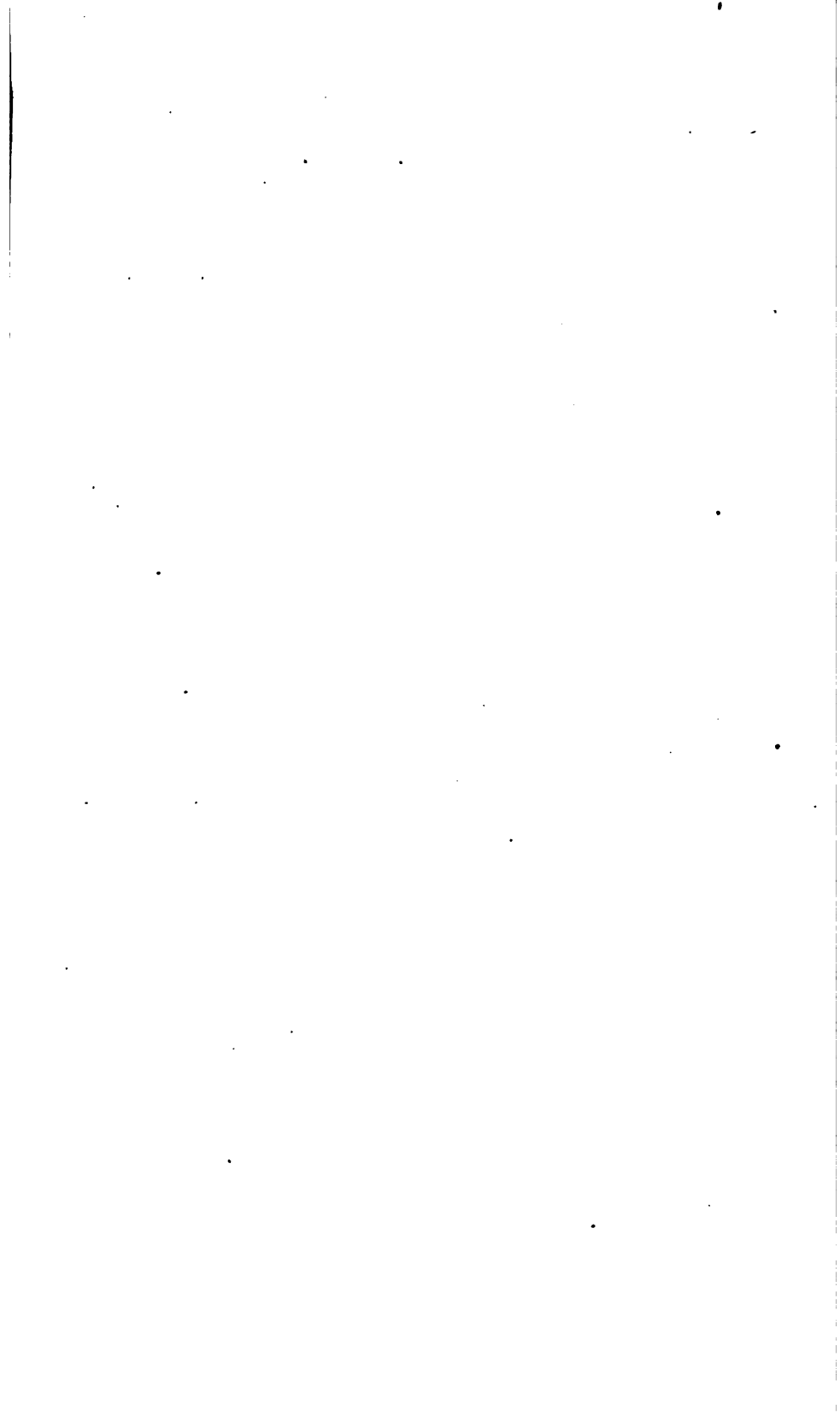
We hereby certify that the within is, according to the best of our knowledge, a true and correct report of the financial condition of the Thomas Asylum for Orphan and Destitute Indian Children, and also of the names of the children belonging to the Institution and the number of days each child has been under care during the year ending September 30, 1880.

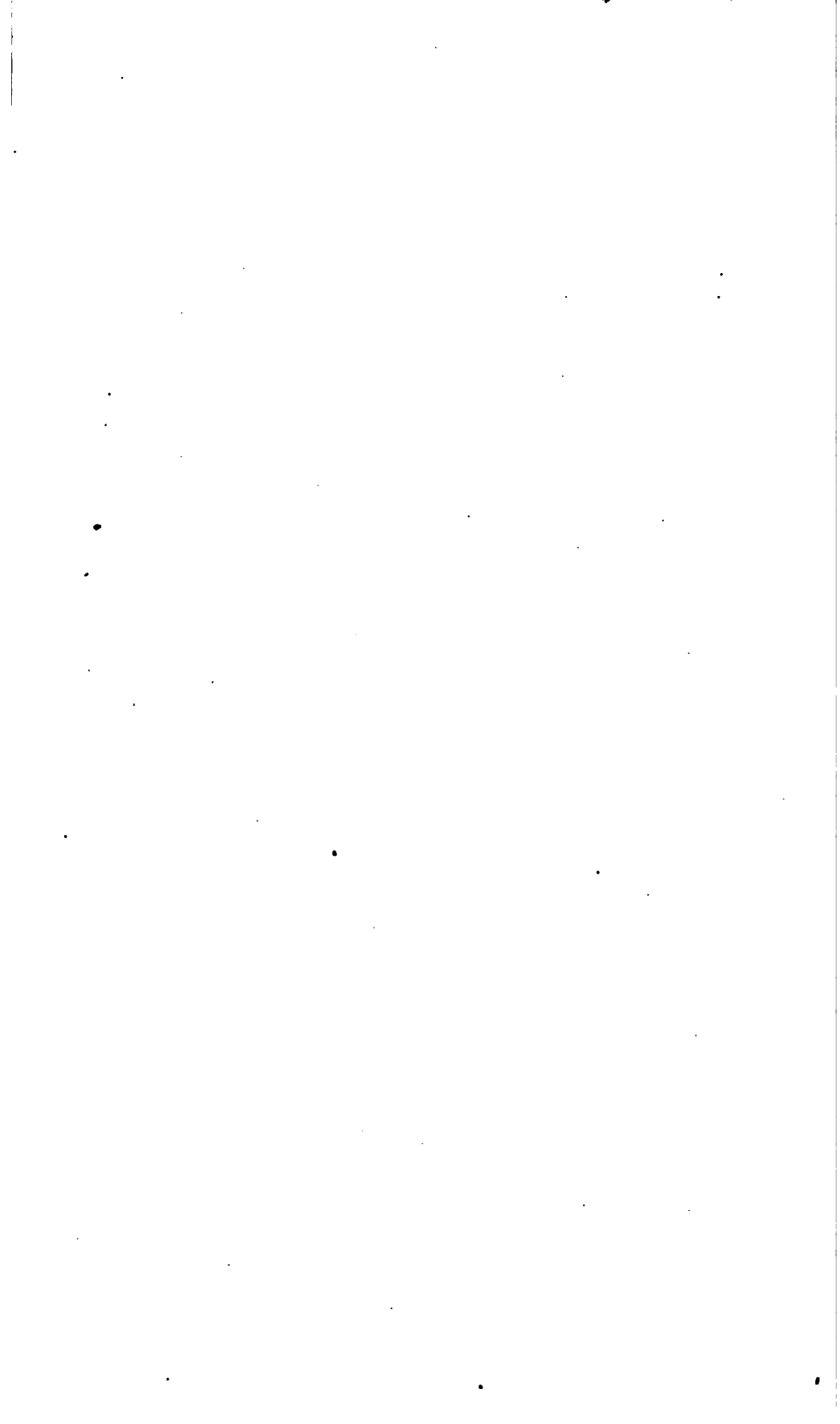
LEWIS SENECA, *President.*
E. M. PETTIT, *Treasurer.*
B. F. HALL, *Superintendent.*

STATE OF NEW YORK, }
Cattaraugus County, } ss.:

On this 7th day of December, 1880, personally came before me B. F. Hall, who being duly sworn deposes and says that the foregoing statement is correct and true.

GEORGE F. PARKER,
Justice of the Peace.





STATE OF NEW YORK.

No. 13.

IN ASSEMBLY,

JANUARY 11, 1881.

ANNUAL REPORT

OF THE SUPERINTENDENT OF STATE PRISONS.

OFFICE OF THE SUPERINTENDENT OF STATE PRISONS, }
ALBANY, N. Y., *January 10, 1881.* }

To the Legislature:

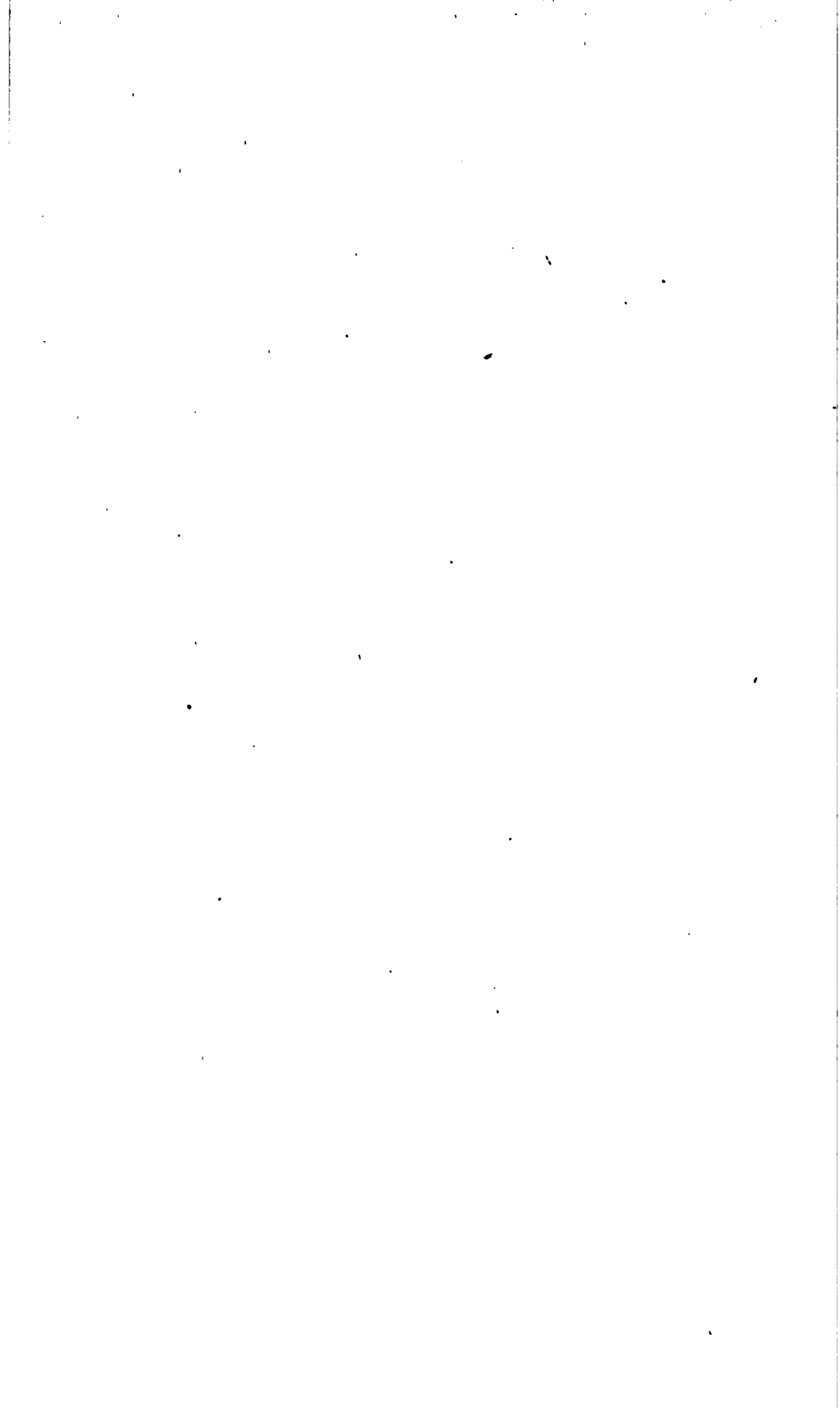
In compliance with law, I herewith transmit my annual report for the year ending September 30, 1880.

Very respectfully,

LOUIS D. PILSBURY,

Superintendent.

[Assem. Doc. No. 13.]



REPORT

FOR THE YEAR ENDING SEPTEMBER 30, 1880.

The earnings and expenses of the several State prisons for the fiscal year ending September 30, 1880, were as follows:

Sing Sing.

Earnings	\$217,028 69	
Expenses.....	184,277 69	
	<hr/>	
Surplus.....		\$32,751 00

Auburn.

Earnings.....	\$114,925 00	
Expenses	130,108 75	
	<hr/>	
Deficiency.....		\$15,183 75

Clinton.

Earnings.....	\$54,952 46	
Expenses	90,606 69	
	<hr/>	
Deficiency.....		35,654 23

50,837 98

Total deficiency.....		\$18,086 98
-----------------------	--	-------------

For the three years and five months ending February 28, 1877,

under the management of the board of inspectors, the expenditures for ordinary purposes exceeded the earnings as follows :

1874.....	\$441,990 93	
1875.....	372,135 65	
1876.....	605,040 53	
1877 (five months).....	216,058 52	
		<hr/>
		\$1,635,225 63

For the three years and seven months ending September 30, 1880, under the new system, the excess of expenditure has been as follows:

1877 (seven months).....	\$101,352 54	
1878	67,800 45	
1879.....	20,374 18	
1880.....	18,086 98	
		<hr/>
		\$207,614 15
		<hr/>
Aggregate reduction.....		\$1,427,611 48
		<hr/>

The following tables show the daily average number of prisoners and the cost of maintenance per man for the years 1879 and 1880:

1879.	Average number.	Average cost. Cts. Mills.
Clinton	573	51
Auburn.....	1,146	30 2 4-10
Sing Sing.....	1,660	30 9
	<hr/>	
Total.....	3,379	
	<hr/>	

1880.		
Clinton.....	484	50
Auburn.....	995	35 8-10
Sing Sing.....	1,580	32 2
	<hr/>	
Total.....	3,059	
	<hr/>	

The average cost at Clinton is in excess of that at Auburn and Sing Sing, chiefly because a larger number of officers in proportion to the number of prisoners are required to prevent escapes, in consequence

of the insecurity of the fence surrounding the large area inclosed, and at present constituting the prison yard.

No such financial results as those of the present year have ever before been attained, or until last year even approximated, in the history of the prisons of this State. They have been reached, notwithstanding a steadily decreasing number of convicts in each of the prisons, and a considerable increase in the price of supplies during the year. Nor have the prisoners been deprived of a sufficient supply of food and clothing in order to reduce expenses; but on the contrary, the supply of both has been abundant, and the quality of the food uniformly good and wholesome. The sanitary condition of the prisons, as shown by the accompanying reports of their physicians, is evidence of this fact. But the continued reduction of expenditures over earnings, until the prisons have become practically self-sustaining, has been the result of the application of sound business principles in their management; economy in purchasing supplies, the prevention of waste, and the profitable employment of every able-bodied convict during the ordinary hours of every working day. The financial success of this system is gratifying, not merely because it relieves the people of the State from the burdens of enormous and rapidly increasing deficiencies under the former system, but also because it is evidence of the maintenance of order and industry, and the enforcement of discipline, without which no prison management ever can succeed, either in meeting expenses or in promoting the reformation of prisoners.

The number of recommitments of discharged prisoners is gradually diminishing. During the year 1,415 prisoners were discharged, of which number 53 were returned. By far the largest proportion of these recommitments comes from the city of New York, and represents its permanent criminal class. The aggregate decrease is, however, considerable, as compared with the previous year. Such a small percentage of recommitments is gratifying, so far as it illustrates the restraining influence of the system of labor and discipline maintained in each of the prisons.

SING SING.

This prison continues to make large returns to the State treasury, although the amount is somewhat less than the previous year. The difference is accounted for chiefly by the loss of eighty in the average prison population. It should also be stated that expenses for repairs, amounting to \$1,563.70, for which special appropriations have heretofore been made by the State, were taken entirely from the maintenance fund. About \$1,600 were expended in making several transfers of invalid prisoners to Clinton, where they have been generally bene-

fitted, and in many cases completely, restored to health, and profitably employed.

The new dock has been completed with the exception of a small amount of filling, which will be done by convict labor, and without expense to the State for material.

AUBURN.

The excess of expenditures over earnings at this prison during the year is due chiefly to the decrease in the number of prisoners. Deducting items not properly chargeable against the prison, the actual deficit is \$7,271.95; while the average number of convicts was 151 less than that of the previous year. In view of so great a decrease in the prison population, the deficit is less than might have been expected. The necessary cost of fuel, lights and supervision is nearly the same for this small population as for a larger number, and the addition of one officer to the present force would be sufficient to provide for the care of at least 300 additional prisoners. There was an advance in the price of supplies generally, as compared with the previous year, which also contributed materially to this deficit. But these disadvantages have been overcome, to a great extent, by the closest economy in making purchases; by a reduction of employees to the lowest number compatible with proper discipline and security, and by an increase in the average earnings of convicts on contract, amounting to \$5.90 *per capita* as compared with 1879.

Important additions and improvements of the prison property have been made during the year. A brick building for storage purposes, 60 feet long and 36 feet wide, was constructed entirely by convict labor. A substantial brick building, 52 feet wide by 206 feet long, two stories high, to take the place of the hame and plate shops destroyed by fire in November, 1879, was completed in April last. A brick coal shed, capable of storing 1,200 tons of coal, a year's supply, was completed in September last, principally by the labor of convicts. Other improvements have been made in the officers' apartments, the chapel, hall, etc., and in the sewers and roadways. The convicts employed in these works were generally men unfit for contract labor.

CLINTON.

The earnings of this prison exceed those of the previous year \$8,189.71, while the expenses have been reduced \$17,932.33, making an aggregate reduction of \$26,122.04. To this should be added \$2,000 expended for improvements. This reduction has been accomplished notwithstanding the population of the prison is gradually diminishing, the average during the year being only 484, as against 573 in 1879. The number of officers required here in proportion to

the number of prisoners is considerably greater than at the other prisons, on account of its exposed position and the insecurity of the fence surrounding the grounds; but upon the completion of the enlargement, and a new wall inclosing a smaller yard, a much less force will be required. The enlarged prison is nearly finished; it provides 656 additional cells, but with a decreasing population they will remain empty, and it will not be possible for the prison ever to become self-sustaining until it shall have received its proportion of State prisoners now committed to the penitentiaries.

ASYLUM FOR INSANE CRIMINALS.

The accompanying report of the medical superintendent gives full details of the conditions and operations of the State asylum during the year. The number of patients at the beginning of the year was 124 men and 11 women. During the year 45 men were admitted and 31 discharged, including 4 by death. There remained on the 30th of September 138 men and 11 women. The total expenses amounted to \$26,014.48, and the daily cost *per capita* 48 cents and 7 mills. The number of days' work done by the patients was 9,744.

The State agent for discharged prisoners is performing the duties imposed upon him by law with as much success as the limited means at his disposal will permit. Many of the prisoners have relatives in distant portions of the country who would receive them upon their discharge, if the State provided for the cost of their removal. They would thus be prevented from returning to associations which contributed to their imprisonment, and no longer constitute part of our permanent criminal class. The sum now provided is inadequate to carry out the beneficent purposes of the law creating this office, and it is therefore respectfully recommended that the sum heretofore placed at the disposal of the agent be increased to \$10,000.

In my last annual report it was stated that there were 741 male prisoners convicted of felonies in confinement in the various penitentiaries, whose maintenance was a serious loss to the State. If this class of prisoners were confined in the State prisons, they would become a source of large revenue instead of a burden to the people. There are now about 400 vacant cells at Auburn, and the completion of the addition to Clinton provides over 600 more. As commitments have largely decreased during the year, there is no prospect of utilizing the accommodations provided at large expense by the State, unless its convicted felons are sent to the State prisons. But it is not merely a question of economy, because moral, as well as pecuniary considerations require that criminals convicted of felonies should not be associated with those convicted of misdemeanors, and serving their term of imprisonment in penitentiaries. It is therefore again respect-

fully recommended that a law be passed directing the transfer of all males convicted of felonies from the penitentiaries to the State prisons, and requiring the courts thereafter to sentence such persons, upon conviction of crimes punishable by imprisonment in State prison, to confinement in such prison exclusively.

During the year there have been but two escapes. One of these occurred at Sing Sing and one at Clinton. In both cases they were men employed outside of the walls. Both were recaptured soon after their escape. Such a record attests the vigilance of the officers in charge, and furnishes but slight hope to criminals that they can defeat the successful administration of our criminal laws by escape from prison before their sentences expire.

The strictest discipline is maintained in each of the prisons. The utmost pains is taken to furnish every prisoner with sufficient wholesome and properly cooked food. Cruel and unnecessary punishment is forbidden. No epidemic diseases have prevailed. The general health has been good, and the mortality lists compare favorably with those of communities outside of the prisons. Preparations are being made for the organization of night schools in each of the prisons.

The accompanying reports of the wardens, clerks, physicians and chaplains give full details as to the various industries carried on at each of the prisons, and the physical and moral condition of their inmates. The officers generally have discharged their onerous duties with ability and fidelity.

Respectfully submitted,

LOUIS D. PILSBURY,

Superintendent.

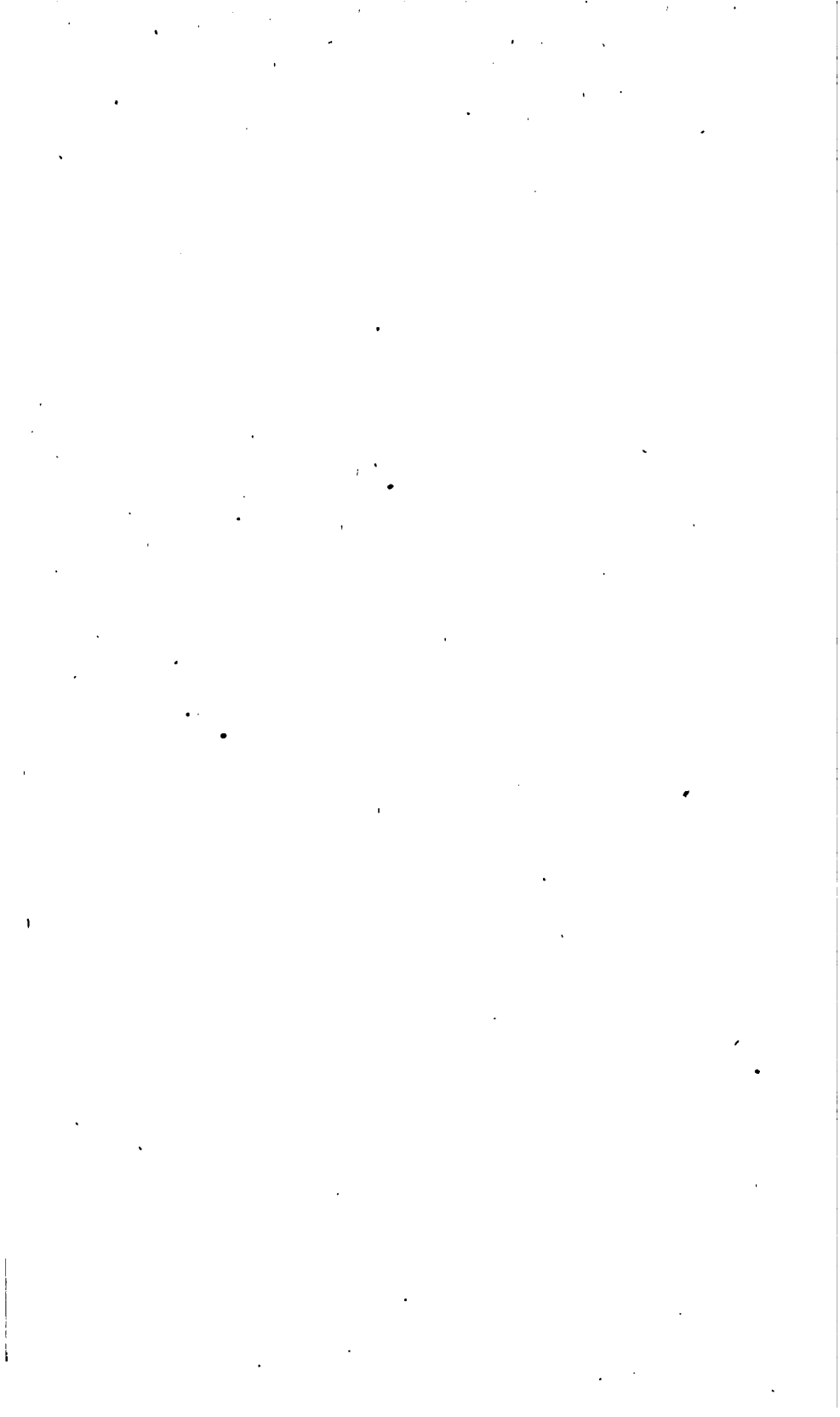
DOCUMENTS

ACCOMPANYING THE

ANNUAL REPORT

OF THE

SUPERINTENDENT OF STATE PRISONS.



SING SING PRISON.

SING SING PRISON, }
Oct. 1, 1880. }

Hon. LOUIS D. PILSBURY,

Superintendent of State Prisons:

SIR — In compliance with law I have the honor to make the following report, including all moneys received and expended at Sing Sing prison, during the fiscal year just ended, and an inventory of all goods, material and other property of the State on hand at this date.

Agent and warden of Sing Sing prison, in account current with the State of New York, for cash received and expended for the use of said prison, for the year ending September 30, 1880:

DR.

To cash on hand October 1, 1879.....	\$554 37
To treasurer's drafts for maintenance.....	189,398 61
Received from all other sources.....	207,096 94
Total.....	<u>\$397,049 92</u>

CR.

By total expenditures, maintenance and repairs.....	\$184,277 69
By deposits to credit treasurer State of New York....	207,096 94
By balance on hand September 30, 1880.....	5,675 29
Total	<u>\$397,049 92</u>

Total expenditures for the support of Sing Sing prison during the year ending September 30, 1880.....	\$184,277 69
Total earnings for same period, convict labor, miscellaneous earnings, etc.....	217,028 69
Showing for the fiscal year a net profit of.....	<u>\$32,751 00</u>

As my connection with the prison commenced April 1, 1880, which was the middle of the fiscal year, I submit a statement for each six months separately.

Expenditures first six months.....	\$92,914 61
Earnings first six months.....	107,370 39

Profits.....	\$14,455 78
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Expenditures second six months.....	\$91,363 08
Earnings second six months.....	109,658 30

Profits.....	\$18,295 22
--------------	-------------

Profits last six months over preceding six months....	\$3,839 44
---	------------

From the tabulated statement accompanying the clerk's report it will be seen that the total cost of maintaining the prison, rations, clothing, officers' salaries, repairs, etc., for the fiscal year, was..... \$184,277 69

From this should be deducted cost of cloth and trimmings for officers' uniforms..... 1,020 64

Leaving as total cost of maintenance.....	\$183,257 05
---	--------------

Average number of men, 1,580.

Cost per man one year.....	\$115 98
Cost per man one month.....	9 66
Cost per man one day.....	32 2

During the first six months, under former warden, the average number of men was 1,588.

Total cost of maintenance.....	\$92,914 61
Cost per man for six months.....	58 51
Cost per man for one month.....	9 75
Cost per man for one day.....	32 5

During the second six months the average number of men was 1,571.

Total cost of maintenance.....	\$91,363 08
Cost per man for six months.....	57 50
Cost per man for one month.....	9 58
Cost per man for one day.....	31 9

During first half of year the salary of officers was.... \$38,993 01

Cost per man for six months.....	24 55 5
Cost per man for one month.....	4 09 2
Cost per man for one day.....	13 3

During last six months the salary of officers was.....	\$35,218 90
Cost per man for six months.....	22,41
Cost per man for one month.....	3 73 5
Cost per man for one day.....	12 5

During first half of year the cost of rations was.....	\$53,504 81
Cost per man for six months.....	33 69
Cost per man for one month.....	5 61 5
Cost per man for one day.....	18 7

During last half of year the cost of rations was.....	\$54,997 27
Cost per man for six months.....	34 36
Cost per man for one month.....	5 72 5
Cost per man for one day.....	19 1

The additional cost for rations is easily explained. I have furnished better food and more coffee than had previously been used in the prison. In fact all the food has been of the best quality. After several consultations with yourself and the physician of this prison, I concluded that better food, especially coffee, would improve the health of the men, and consequently there would be a smaller number sick and unable to work. The results have fully justified this view. I am clearly of the opinion that it is cheaper for the State and better for the men to feed them well. As I have had only six months' experience it would be presumptuous in me to make many suggestions to you on prison management; but as a basis for the opinion which I have expressed on the subject of diet, I shall simply submit a statement of loss of labor from sickness during the last six months as compared with the corresponding six months of 1879.

In the six months commencing April 1, 1879, 5,801 days' work was lost from sickness; in the corresponding six months of 1880 only 2,481, viz.:

April, 1879.....	867 days	April, 1880.....	880 days
May, 1879.....	1,067 days	May, 1880.....	636 days
June, 1879.....	917 days	June, 1880.....	302 days
July, 1879.....	746 days	July, 1880.....	362 days
August, 1879.....	1,370 days	August, 1880.....	189 days
September, 1879.....	825 days	September, 1880.....	112 days

In the six months commencing April 1, 1879, 213 patients were treated in hospital; in the six months commencing April 1, 1880, only 167. There was no epidemic to explain this great difference in the health of the prisoners, and I believe I can say, without fear of contradiction, that it was due entirely to the causes mentioned, namely, better food and the free use of coffee.

It is but just to myself to state that, when I took possession on the first of April last, there were no supplies on hand—not enough for a single day's ration for the men. For two months previous only small

quantities of cloth, flannel, shoes and blankets had been purchased, and it cost between two and three thousand dollars additional to put the clothing and bedding in proper condition.

The officers now connected with me in this institution have been faithful and it would be invidious to mention any one in particular when all have been efficient.

Yours respectfully,

A. A. BRUSH,

Agent and Warden.

CLERK'S REPORT.

CLERK'S OFFICE, }
SING SING, October 1, 1880. }

To Hon. LOUIS D. PILSBURY,
Superintendent of State Prisons, Albany, N. Y.:

SIR — In compliance with law, I have the honor to submit herewith the following annual report of the department under my charge in "Sing Sing Prison" for the fiscal year ending September 30, 1880.

Very respectfully,
A. L. BABCOCK, *Clerk.*

FINANCIAL.

Charles Davis and A. A. Brush, agents and Wardens of Sing Sing State Prison, in account current with the State of New York, for cash received and expended for the use of said prison, for the fiscal year ending September 30, 1880.

DR.

To cash on hand October 1, 1879.....	\$554 37
To treasurer's drafts for maintenance.....	189,398 61
To received from all other sources	207,096 94
	\$397,049 92

CR.

By expenditures for, viz.:

Salaries of officers, estimate No. 1	\$74,211 91
Rations, estimate No. 2.....	72,705 66
Stationery, estimate No. 4.....	1,116 46
Mileage and allowance, estimate No. 5.....	3,704 40
Convict deposit refunded, estimate No. 5.....	1,423 66
Furniture, estimate No. 6.....	514 90
Hospital, drugs and medicines, estimate No. 7.....	1,075 98
Clothing and bedding, estimate No. 8.....	14,507 10
Building and repairs, estimate No. 9.....	1,563 70
Fuel and lights, estimate No. 10.....	7,517 49

Hay and feed, estimate No. 11.....	\$767 82
Miscellaneous, estimate No. 12.....	5,168 61
Deposits to credit treasurer State of New York.....	207,096 94
Cash on hand October 1, 1880.....	5,675 29
	<hr/>
	\$397,049 92

STATE OF NEW YORK, }
Westchester County, } ss. :

A. A. Brush, agent and warden, and A. L. Babcock, clerk, of Sing Sing prison, being sworn, say that the above account current is correct and true, according to the best of their knowledge and belief.

A. A. BRUSH,
Agent and Warden.
 A. L. BABCOCK,
Clerk.

Subscribed and sworn to before me, }
 this 10th day of October, 1880. }

ISAAC B. NOXON,
Notary Public.

TABLE No. 1.

ABSTRACT of the total earnings and cash receipts, and the total cash expenditures, with the average number of all the convicts, per day, per month, at the Sing Sing prison, from October 1, 1879, to September 30, 1880.

MONTHS.	Contract earnings.	Miscellaneous earnings.	Total earnings.	Deposits in banks.	Treasurer's draft.	Salaries of officers.	Expenditures for ordinary support.	Expenditures for buildings, repairs, etc.	Total expenditures.	No. convicts on contract.	No. not on contract.	Total No. of convicts.
1879.												
October.....	\$17,917 40	\$751 00	\$18,668 40	\$17,910 00	\$15,295 63	\$6,424 61	\$9,783 28	\$79 72	\$16,287 61	1,356	238	1,594
November.....	15,290 10	895 84	16,186 94	18,813 44	15,387 61	5,594 43	9,122 00	96 65	15,812 46	1,347	238	1,585
December.....	17,205 60	1,056 09	18,261 69	16,346 19	15,437 46	6,359 92	8,785 71	63 60	15,299 23	1,340	243	1,583
1880.												
January.....	17,575 20	210 99	17,786 19	17,419 94	15,306 23	6,376 06	9,220 89	34 93	15,631 87	1,331	240	1,571
February.....	15,799 00	1,603 55	17,402 55	19,178 75	14,841 87	6,086 79	8,031 34	42 89	14,661 02	1,343	241	1,584
March.....	18,065 70	999 72	19,065 42	16,798 72	15,091 44	6,661 21	8,561 99	99 62	15,812 42	1,316	239	1,644
April.....	17,595 70	496 65	18,092 35	18,861 35	17,079 25	6,064 55	8,812 57	50 84	14,917 94	1,380	237	1,617
May.....	17,397 60	1,064 14	18,461 74	18,321 04	15,385 61	5,789 40	8,831 82	7 28	14,465 04	1,348	238	1,586
June.....	17,307 60	1,064 13	18,371 73	18,037 23	15,098 87	5,771 25	9,641 86	220 78	15,119 12	1,353	239	1,592
July.....	17,601 50	1,664 21	19,265 71	18,037 23	17,098 87	5,771 25	9,641 86	220 78	15,119 12	1,353	239	1,592
August.....	17,064 20	1,175 64	18,239 84	18,777 16	15,191 12	5,839 92	9,207 11	543 71	15,189 74	1,337	215	1,552
September.....	17,064 70	1,083 61	18,148 31	18,667 81	15,270 74	5,960 97	9,431 87	41 37	15,434 21	1,301	206	1,507
Total.....	\$206,287 90	\$10,760 79	\$217,048 69	\$207,096 94	\$189,398 61	\$74,211 91	\$108,502 08	\$1,563 70	\$194,277 69	16,089	2,870	18,959

To find amount of ordinary support deduct "salaries of officers" and "expenditures for buildings and repairs" from total expenditures.

TABLE NO. 2.

Statement showing the earnings, expenditures and surplus for each month at Sing Sing prison, for the fiscal year ending September 30, 1880.

MONTHS.	No. of convicts.	Earnings.	Expenditures.	Surplus.
October, 1879.....	1,594	\$18,668 60	\$16,287 61	\$2,380 99
November, ".....	1,585	16,185 94	15,812 46	373 48
December, ".....	1,583	18,261 69	15,209 23	3,052 46
January, 1880.....	1,571	17,786 19	15,631 87	2,154 32
February, ".....	1,584	17,402 55	14,661 02	2,741 53
March, ".....	1,614	19,065 42	15,312 42	3,753 00
April, ".....	1,637	18,055 35	14,917 96	3,137 39
May, ".....	1,583	18,071 94	14,695 08	3,376 86
June, ".....	1,566	18,417 13	15,609 97	2,807 16
July, ".....	1,583	18,265 71	15,116 12	3,149 59
August, ".....	1,552	18,669 86	15,589 74	3,080 12
September, ".....	1,507	18,178 31	15,434 21	2,744 10
Totals.....		\$217,028 69	\$184,277 69	\$32,751 00
Average.....	1,580			

TABLE NO. 3.

Statement of expenditures by estimates showing the expense for the support of Sing Sing prison, for the fiscal year ending September 30, 1880.

Average number of convicts, 1,580.		Totals.	Per convict.
Salaries of officers.....	Estimate No. 1..	\$74,211 91	\$46 97
Rations.....	" 2..	72,705 66	46 01
Stationery.....	" 4..	1,116 46	71
Mileage and allowance.....	" 5..	3,704 40	2 35
Convict deposits refunded..	" 5..	1,423 66	90
Furniture.....	" 6..	514 90	32
Hospital, drugs & medicines,	" 7..	1,075 98	68
Clothing and bedding.....	" 8..	*14,507 10	8 53
Building and repairs.....	" 9..	1,563 70	99
Fuel and lights.....	" 10..	7,517 49	4 76
Hay and feed.....	" 11..	767 82	49
Miscellaneous.....	" 12..	5,168 61	3 27
Total expenditures.....		\$184,277 69	
Average cost per convict.....			\$115 98
Ordinary support.....		*\$107,481 44	
Average cost per convict.....			\$68 02

*From estimate No. 8, and ordinary support, is deducted \$1,020.64 cost of officers' uniforms.

Special appropriations.

	Amount of appropriation.	Amount expended.	Amount on hand.
Female prison, alterations.....	\$4,000 00	\$506 34	\$3,493 66

Statement showing the existing contracts in Sing Sing prison, the number of convicts called for by each contract, the price per day, the time when they commenced and when they expire.

Name of contract.	Name of contractors.	No. of convicts.	Price per day.	Com'enced.	Expire.
Stove	Perry & Co	1,100	50 cts.	Ap'l 18, 1877	Dec. 31, 1881
Shoe	Bay State Shoe & Leather Co.	300	50 cts.	Aug. 1, 1877	July 31, 1882
Laundry..	J. J. Mahaney	125	60 cts.	Dec. 1, 1878	Nov. 30, 1881

Statement showing the number of convicts received and discharged each month at Sing Sing prison during the fiscal year ending Sept. 30, 1880 :

MONTH.	Received.	Discharged.	Excess Received.	Excess Discharged.
October, 1879.....	44	52	.....	8
November, 1879.....	51	51	.....	.....
December, 1879.....	43	62	.....	19
January, 1880	79	74	5	.....
February, 1880.....	75	53	22	.....
March, 1880.....	74	45	29	.....
April, 1880.....	78	54	24	.....
May, 1880.....	45	128	.....	83
June, 1880.....	66	55	11	.....
July, 1880.....	45	45	.....	.....
August, 1880.....	45	120	.....	75
September, 1880.....	80	64	16	.....
Totals.....	725	803	107	185

Statement showing the number of convicts in Sing Sing Prison on the 30th day of September, 1880 ; also number received, discharged, transferred and died during the year ending Sept. 30, 1880 :

Number in prison September 30, 1879.....	1,596
Received during the year.....	725
	<hr/> 2,321
Discharged by commutation.....	645
Discharged by commutation (special).....	21
Discharged by expiration of sentence.....	1
Discharged by pardon.....	7

Died	11	
Transferred to asylum for insane criminals.....	7	
Transferred to Clinton prison.....	110	
Escape	1	
		<hr/> 803

Number remaining in prison September 30, 1880..... 1,518

Employed as follows :

Number on stove contract.....	898
Number on shoe contract.....	297
Number on laundry contract.....	117
Number on State labor and waiters.....	200
Number sick in hospital.....	6

Total number in prison September 30, 1878..... 1,518

PHYSICIAN'S REPORT.

HOSPITAL SING SING PRISON, }
October 1st, 1880. }

HON. LOUIS D. PILSBURY,
Superintendent of State Prisons :

I have the honor herewith to transmit the annual report of the sanitary condition of the prison at Sing Sing for the past year.

The short period of my professional experience here will only enable me to give you little more than the usual tabulated statement.

I may say, however, that under all the circumstances, I have reason to be satisfied with the present physical condition of the convicts, and I am gratified in the prospect of an increased amount of productive industry as a result.

The food furnished for the convicts is abundant, of good quality and wholesome, and is properly prepared for their use.

I take pleasure also in saying that, in my efforts to become thoroughly familiar with the duties and responsibilities devolving upon me here, I have received uniform kindness and courtesy from the agent and warden, Hon. A. A. Brush, and from the chief clerk, Mr. A. L. Babcock.

Allow me also to observe that I am deeply sensible of the many expressions of confidence and encouragement received from you, and I earnestly hope that the future may furnish no cause for their abatement.

With great respect,

I am truly yours,

HIRAM BARBER, M. D.,
Physician in Charge.

TABLE No. 1.

Exhibits the number of applications, treated, not treated and excused from labor, from each shop, during the year ending September 30, 1880.

MONTHS.	No. in prison first of each month.	STOVE.			SHOE.			LAUNDRY.			STATE.		
		No. of applications.	No. treated.	No. not treated.	No. tickets (excused.)	No. applications.	No. treated.	No. not treated.	No. tickets.	No. applications.	No. treated.	No. not treated.	No. tickets.
October, 1877.....	1,598	1,454	1,226	228	396	527	450	87	160	228	168	60	69
November, 1877.....	1,586	1,371	1,148	228	277	568	487	101	105	108	92	16	80
December, 1877.....	1,585	1,378	1,121	257	290	591	485	106	114	117	99	18	88
January, 1880.....	1,566	1,518	1,176	340	598	768	624	131	156	158	141	17	82
February, 1880.....	1,574	1,111	1,875	336	419	698	555	143	164	188	170	28	86
March, 1880.....	1,568	1,113	1,623	345	475	1,012	840	172	267	236	197	39	89
April, 1880.....	1,553	1,302	1,862	440	519	1,060	868	199	186	360	309	51	111
May, 1880.....	1,643	1,869	1,676	313	409	818	668	197	63	249	227	89	61
June, 1880.....	1,565	1,944	1,808	186	315	750	668	87	44	151	188	25	24
July, 1880.....	1,582	1,929	1,770	150	255	815	751	64	28	264	239	26	63
August, 1880.....	1,577	1,465	1,329	186	185	680	578	54	28	161	143	18	26
September, 1880.....	1,501	1,811	1,911	100	88	546	532	44	20	131	117	14	9
Total.....	...	20,580	17,686	2,894	3,999	8,820	7,506	1,314	1,536	2,373	2,040	353	568
										665	484	182	4

TABLE No. 2.
Exhibits in Hospital Record for the year ending September 30, 1880.

MONTH.	Number in prison first of month.	Number received each month.	Number discharged each month.	Number in prison last of month.	Number in hospi- tal first of each month.	Admitted to hos- pital each month.	Discharged from hospital each month.	Number of deaths.	Transferred to in- same asylum.	Number in hospi- tal last of month.
1879.										
October.....	1,598	44	52	1,588	19	13	14	.....	.....	18
November.....	1,586	51	51	1,588	18	9	9	.....	.....	18
December.....	1,585	43	62	1,569	17	12	13	.....	.....	16
1880.										
January.....	1,566	79	74	1,574	16	9	14	2	2	11
February.....	1,574	75	53	1,596	11	15	6	.....	2	20
March.....	1,593	74	45	1,625	20	16	15	.....	.....	21
April.....	1,633	78	54	1,649	21	14	12	1	.....	23
May.....	1,648	45	128	1,566	23	17	21	2	.....	18
June.....	1,565	66	55	1,577	18	12	15	.....	.....	15
July.....	1,582	45	45	1,577	15	14	10	.....	2	19
August.....	1,577	45	120	1,502	19	7	24	2	.....	2
September.....	1,501	80	64	1,518	2	6	2	.....	.....	6

TABLE No. 3.
Exhibits the number of deaths during the year.

NAME.	Color.	Age.	Nativity.	Previous health.	Previous habits.	When sentenced.	Sentence.	Crime.	How employed in prison.	Disease.	Date of death.
Denial Demorest.....	White...	24	New York.	Fair.....	Intemperate.	Sept. 13, 1878.	2 years...	Burglary, 3d deg.	State.....	Hemorrhoids.....	Dece. 8, 1879
Patrick Sullivan.....	"	36	England...	Poor.....	Moderate.....	Mar. 23, 1879.	5 "	Robbery.....	Shoe.....	Liver disease.....	Jan. 1, 1880
James Cresswell.....	"	20	New York.	Good.....	Temperate...	June 14, 1878.	2½ "	Burglary, 3d deg.	State.....	Phthisis.....	Jan. 23, 1880
John McDermott.....	"	43	Ireland...	"	Intemperate.	Dec. 15, 1875.	Life	Murder, 2d deg.	State	Sulicide by fire.....	March 13, 1880
George Saunders.....	"	29	New York.	"	"	Oct. 1, 1878.	3 years...	Grand larceny...	"	Heart disease.....	April 14, 1880
John Fox.....	"	24	"	Fair.....	"	Oct. 3, 1878.	2 "	"	State.....	Dilatation of heart.....	May 4, 1880
William Diamond.....	"	26	"	Poor.....	Moderate.....	Dec. 3, 1879.	2 "	"	State	Hypertrophy of heart.....	May 28, 1880
John D. Smith.....	"	29	Germany..	"	"	April 15, 1870.	2½ "	"	"	Phthisis pulmonalis.....	July 10, 1880
James White.....	"	27	New York.	Good.....	Intemperate.	Nov. 14, 1876.	6 "	Burglary, 1st deg.	"	Phthisis.....	July 19, 1880
John Dominal.....	"	25	"	Poor.....	Moderate.....	May 5, 1880.	3 "	P. L. f. person ..	"	Congestion of brain.....	August 7, 1880
Michael Donohoe.....	"	20	Ireland....	Good.....	Temperate...	Oct. 23, 1878.	5 "	Assault to harm...	"	Inflammatory Rheumatism	August 12, 1880

TABLE No. 4.
Exhibits the number of convicts transferred to the Insane Asylum for the year ending September 30, 1880.

NAME	Color.	Age.	Previous habits.	Previous health.	How employed in prison.	Nativity.	Crime.	Sentence.	When sentenced.	Received in prison.	Date of transfer.
De Braun, Frederic	W.	28	Moderate	Good	Shoe	Hollander ..	Grand larceny	2 years, 6 months	Aug. 7, 78..	Aug. 8, 78..	Jan.. 28, '80
Sullivan, John	W.	46	Intemperate ..	Fair	State	New York ..	Burglary, 3d	2 years	Jan. 8, 79..	Jan. 8, 79..	Jan.. 28, '80
Boyle, William	W.	23	Temperate	Poor	State	West Indies ..	Burglary, 3d	2 years	Sept. 9, 79..	Sept. 9, 79..	Feb. 17, '80
Breen, Daniel	W.	65	Moderate	Poor	State	Ireland	Burg, 1st, & assault ..	20 years	Dec. 23, 79..	Dec. 23, 79..	Feb. 17, '80
Johnston, John	W.	47	Moderate	Fair	Stove	Scotland	Burglary, 3d	2 years, 6 months	Dec. 10, 80..	Dec. 11, '80.	April 5, '80
Springer, Henry	W.	32	Temperate	Fair	Shoe	New York ..	Larceny f. person...	2 years	Dec. 16, 79..	Dec. 18, 79..	July 23, '80
Hugues, John	W.	18	Moderate	Good	Laundry ..	New York ..	Felonious assault...	2 years, 6 months ..	April 5, 80..	April 6, 80..	July 23, '80

Subscribed and sworn to before me }
 this 27th day of Nov. 1880.

A. L. BABCOCK,
 Clerk.

REPORT OF THE CHAPLAIN.

SING SING PRISON, *Sept. 30th, 1880.*

Hon. L. D. PILSBURY, *Superintendent of State Prisons :*

SIR :— I have the honor to submit the following report, as chaplain of this prison :

I entered upon the duties of this office, by your appointment, on May 1st, 1880, since which time it has been my endeavor to fulfill the obligations resting upon me. All my time has been given to the work.

The prison correspondence passing through my hands is large and the work of supervision laborious. The monthly average of letters is : sent, 1,233 ; received, 2,153.

There are 4,600 volumes in the library, many of them being duplicates, and many unadapted to the needs of this place. There is a great want of funds in this department. The library is entirely destitute of elementary school books.

There is now being organized a night school for those who are unable to read and write. It will soon be in operation, and I look for good results.

Our chapel services are held each Sabbath morning at 8.30 o'clock. About 1,200 men attend, filling the room to its utmost capacity. I am happy to say that the best of attention is uniformly shown. The truths of Christianity, in their application to this life, do, I believe, awaken better thoughts and desires, and it is my earnest endeavor to make each of these services one of profit to these unfortunate men.

I am sorry to report that the chapel is altogether inadequate to the purpose designed. Dark, illy-ventilated and badly-seated, it makes more difficult the chaplain's efforts, and, while in the heat of summer it cannot be used at all, in cold weather its want of space deprives 300 men of the influences of divine service. I would most respectfully urge the necessity for a new chapel at this prison.

My personal visitations among the prisoners on the galleries and in the hospital have been continuous and, I trust, of good to them. I would mention here the kind and substantial work of Mr. and Mrs. M. P. Brown, of New York, who spend one Sabbath of each month at this place, distributing large numbers of good and entertaining papers and books, and materially assisting in the work of bettering the moral condition of the prisoners. Their work is entirely gratuitous.

The Rev. Father Tandy (Catholic) officiates the last Sabbath of each month, and there have been two Jewish services held by Rabbis.

I take pleasure in acknowledging the kindness and courtesy of the warden, who has not failed to give his assistance in every good work.

I submit herewith the usual statistical report.

I am, very respectfully,

Your obedient servant,

SILAS W. EDGERTON, *Chaplain.*

STATISTICAL TABLES

Accompanying Chaplain's report for the year ending Sept. 30, 1880.

TABLE No. 1.

Total number of convicts September 30, 1880.....	1,518
White	1,418
Colored.....	100
	<u>1,518</u>

TABLE No. 2.

Counties where convicted.

Clinton.....	10
Dutchess.....	7
Kings.....	11
Montgomery.....	1
New York.....	1,353
Orange.....	13
Putnam.....	4
Queens.....	50
Rensselaer.....	2
Richmond.....	7
Rockland.....	7
Suffolk.....	7
Ulster.....	14
Westchester.....	32
	<u>1,518</u>

TABLE No. 3.

Exhibit of crime.—Against the person.

Assault to harm.....	120
Assault to kill.....	20
Assault to ravish.....	4
Abortion.....	3
Abandonment.....	1
Abduction for the purpose of prostitution.....	1
Attempt to poison.....	1
Bigamy.....	12
Crime against nature.....	4

Incest.....	4
Manslaughter.....	41
Murder.....	43
Rape and attempts.....	17
Seduction.....	1

272

Against property.

Arson.....	14
Burglary and attempts.....	540
Buggery.....	2
Embezzlement.....	4
False pretenses.....	17
Forgery.....	48
Grand larceny and attempts.....	363
Larceny from the person and attempts.....	130
Receiving stolen goods.....	31

1,149

Against person and property.

Obstructing railroad track.....	1
Perjury.....	5
Robbery and attempts.....	91

97

Recapitulation.

Against the person.....	272
Against property.....	1,149
Against person and property.....	97

1,518

TABLE No. 4.

Showing terms of sentence.

Less than two years.....	174
Two years and less than three.....	407
Three years and less than four.....	255
Four years and less than five.....	192
Five years and less than seven and a half.....	276
Seven and a half, and less than ten.....	34
Ten years and less than fifteen.....	81
Fifteen years and less than twenty.....	35
Twenty years and less than life.....	20
Life.....	44

1,518

TABLE No. 5.

Showing previous occupation.

Actor.....	1	Engineers.....	15
Agents.....	7	Electrotyper.....	1
Artificial flower-makers...	2	Engraver.....	1
Apprentice.....	1	Editor.....	1
Artists.....	3	Expressmen.....	3
Brokers.....	4	Farmers.....	25
Book-keepers.....	29	Foremen.....	2
Boxmakers.....	7	Fishermen.....	2
Brushmakers.....	4	Firemen.....	11
Barbers.....	29	Filemaker.....	1
Bartenders.....	24	Finisher.....	1
Boatmen.....	15	Gardners.....	8
Bakers.....	23	Gilders.....	3
Bricklayers.....	14	Gas-fitters.....	5
Butchers.....	23	Gentleman.....	1
Blacksmiths.....	20	Glass-cutter.....	1
Bottler.....	1	Gold-beater.....	1
Boilermakers.....	12	Glass-blower.....	1
Bagmakers.....	2	Grocer.....	1
Boatbuilder.....	1	Globe-painter.....	1
Bootblacks.....	6	Hotel-keepers.....	4
Bookbinders.....	4	Hostlers.....	6
Brass turner.....	1	Hatters.....	9
Brass finishers.....	3	Horse-dealer.....	1
Brakemen.....	1	Icemen.....	2
Broommaker.....	1	Iron-roller.....	1
Clerks.....	60	Jewellers.....	7
Cooks.....	31	Jockeys.....	6
Confectioners.....	6	Japanners.....	2
Carpenters.....	40	Junkmen.....	5
Carriagemakers.....	5	Janitor.....	1
Coopers.....	12	Laborers.....	219
Clothier.....	1	Longshoremen.....	14
Carpet cleaner.....	1	Lathers.....	3
Cigarmakers.....	16	Lookingglassmakers.....	2
Caulker.....	1	Liquor-dealer.....	1
Chimney sweep.....	1	Laundrymen.....	2
Compositors.....	4	Lamplighter.....	1
Correspondent.....	1	Locksmith.....	1
Capmaker.....	1	Lithographer.....	1
Cabinetmakers.....	2	Merchants.....	15
Cutlers.....	4	Machinists.....	19
Currier.....	1	Moulders.....	13
Chairmakers.....	2	Miller.....	1
Drivers.....	104	Masons.....	2
Dockbuilder.....	1	Marble-cutter.....	1
Dyers.....	2	Mattressmaker.....	1
Druggists.....	3	Messengers.....	8
Dairymen.....	1	Miner.....	1

Milkman	1	Shoemakers	33
Marble-polisher	1	Stone-sawyer	1
Medical student	1	Silver-platers	4
None	38	Sievemaker	1
News-dealers	9	Stewards	4
Nickle-plater	1	Stevedore	1
Oystermen	11	Shade-painter	1
Organ-grinders	1	Sailmakers	4
Office boy	1	Spinner	1
Oiler	1	Saddlers	3
Operators	5	Shoe-cutter	1
Fainters	46	Signwriter	1
Plumbers	16	Stamper	1
Peddlers	41	Surveyor	1
Printers	58	Servant	1
Physicians	5	Saloon-keeper	1
Porters	12	Tinsmiths	16
Paper-stainers	2	Tailors	28
Policeman	1	Teamsters	9
Polishers	4	Tobacco dealers	2
Plasterers	2	Turners	2
Paper-hanger	1	Toymaker	1
Paper-folder	1	Torpedomaker	1
Pipemakers	2	Truckmaker	1
Pilot	1	Tobacco-strippers	2
Planter	1	Type-founders	3
Preacher	1	Teachers	2
Quarrymen	2	Tea-packer	1
Roofers	6	Umbrellamakers	4
Ruffling-presser	1	Upholsterer	1
Sailors	32	Waiters	64
Stenographer	1	Watchmakers	2
Stone-cutters	14	Wood-chopper	1
Seamen	4	Watchman	1
Speculators	5	Weavers	7
Steam-fitters	4	Wire-workers	4
Salesman	1	Wheelwright	1
Total			<u>1,518</u>

TABLE NO. 6.

Their ages when convicted.

Fifteen years and less than twenty.....	256
Twenty years and less than twenty-five.....	535
Twenty-five years and less than thirty.....	296
Thirty years and less than thirty-five.....	154
Thirty-five years and less than forty.....	124
Forty years and less than forty-five.....	75
Forty-five years and less than fifty.....	34
Fifty years and less than sixty.....	33
Sixty years and less than seventy.....	11
	<hr/>
	1,518
	<hr/>

TABLE NO. 7.

Showing their nativity.

Alabama.....	2	New Jersey.....	23
Connecticut.....	14	North Carolina.....	4
California.....	3	New Hampshire.....	3
District Columbia.....	6	Ohio.....	6
Delaware.....	3	Pennsylvania.....	26
Florida.....	1	Rhode Island.....	3
Georgia.....	9	South Carolina.....	2
Illinois.....	6	Texas.....	1
Louisiana.....	3	Virginia.....	19
Maine.....	3	Vermont.....	1
Massachusetts.....	36	Wisconsin.....	3
Maryland.....	11		
Michigan.....	2		<hr/>
Minnesota.....	1		1,091
New York.....	901		<hr/>

Foreigners.

Austria.....	2	Norway.....	1
Australia.....	2	New Mexico.....	1
Brazil.....	2	Poland.....	2
Belgium.....	2	Russia.....	7
Canada.....	12	Sweeden.....	4
Cuba.....	7	Spain.....	4
Denmark.....	1	Scotland.....	7
England.....	61	Switzerland.....	5
France.....	17	Turkey.....	1
Germany.....	115	West Indies.....	4
Greece.....	1	Wales.....	1
Italy.....	28		<hr/>
Ireland.....	138		426
Nova Scotia.....	1		<hr/>
At sea.....			<hr/>
			1

Recapitulation.

Natives.....	1,091
Foreigners.....	426
At sea.....	1
	<hr/>
	1,518
	<hr/>

TABLE No. 8.

Showing their education.

Read and write.....	1,448
Read only.....	25
No education.....	45
	<hr/>
	1,518
	<hr/>

TABLE No. 9.

Habits of life.

Use liquors.....	1,249
Do not use.....	269
	<hr/>
	1,518
	<hr/>
Use tobacco.....	1,368
Do not use it.....	150
	<hr/>
	1,518
	<hr/>

STATE OF NEW YORK, } ss.:
 Westchester County, }

I, Silas W. Edgerton, chaplain of Sing Sing prison, being duly sworn, depose and say that the foregoing report is true according to the best of my knowledge and belief.

SILAS W. EDGERTON.

Sworn to before me, this 27th }
 day of November, 1880. }

A. L. BABCOCK,
 Clerk.



AUBURN PRISON.

REPORT OF THE AGENT AND WARDEN FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1880.

AGENT AND WARDEN'S OFFICE, AUBURN PRISON, }
AUBURN, N. Y., *October 1, 1880.* }

Hon. LOUIS D. PILSBURY,
Superintendent of State Prisons, Albany:

SIR — Herewith I submit my annual report as agent and warden of Auburn State prison as required by law for the fiscal year ending September 30, 1880. As I have been in office but three months my report must be largely from the record.

From the tables annexed it appears that the amount expended for salaries of officers, ordinary support, convicts' deposits refunded, convicts' traveling expenses and repairs to buildings is in excess of the amount received for convicts' earnings, \$13,774.66, which includes \$3,951.84 paid to convicts when discharged for traveling expenses to the places from which they came; \$1,041.75 for convicts' deposits refunded, in excess of deposits received, which is really payment of money for the State, placed on deposit for safe keeping by the convicts when received in prison; also \$2,617.73 paid for repairs to buildings, which is not properly a charge against the prison, as it has been customary to make repairs from special appropriations. Deducting these items would leave the actual deficit but \$7,271.95, not a large amount when we consider that the average number of convicts was 151 less than for the previous year; but the average earnings of convicts on contract was \$5.90 more *per capita* than for the year 1879. The number of convicts engaged on State work at the close of the year ending September 30, 1880, was 56 less than at the corresponding period of the previous year, and the number on contract 151 less. All that is required to make Auburn prison self-sustaining is an increased number of inmates, when we consider the fact that men can be fed and clothed for fourteen cents per day, and that there will be no increased expense for officers, fuel or lights, and no more officers are required to care for 1,300 than for 900 prisoners, and that the same apartments have to be warmed and lighted for the smaller as for larger number.

I beg leave to refer you to the report of the chaplain for the moral condition, and to the report of the physician for the sanitary condition of the inmates of the prison.

The engineer makes a full report respecting the erection of new buildings, repairs, improvement in condition of buildings, streets, sewers and gutters. Our ice-house is entirely inadequate for the absolute necessities of the prison. Arrangements have been made to enlarge and repair it at a small expense aside from convict labor.

Solitary cells and gas-works, for which appropriations have been made and the money for which is now on hand, should be constructed immediately. It is believed that a large saving could be made in the expense for gas and a much better light furnished the convicts than they now have from kerosene. A small additional sum will be required to complete the works and introduce the gas into each cell as proposed. \$1,500 more will be ample to complete the entire work.

I desire to bear witness to the cheerful co-operation and valuable assistance rendered by the gentlemen associated with me in the care and direction of this prison.

Respectfully yours,

FRANK L. JONES,

Agent and Warden.

GENERAL FINANCIAL TABLE.

STATEMENT showing the amount of money drawn from the State Treasurer for the general support of Auburn prison, the receipts from convicts' earnings, convict deposits and miscellaneous earnings, and the deficiency in earnings of said prison during the year ending September 30, 1880 :

RECEIPTS FOR SUPPORT.

Balance on hand, September 30, 1879.....	\$369 95	
Treasurer's drafts.....	130,181 82	
	<hr/>	
	\$130,551 77	
Balance on hand, September 30, 1880..	443 02	
	<hr/>	
		\$130,108 75
Amount of total disbursements for the year.....		\$130,108 75

EARNINGS.

Convict labor.....	\$112,836 06	
Convict deposits.....	858 21	
Miscellaneous earnings.....	1,230 73	
	<hr/>	
		\$114,925 00
Deficiency of earnings.....		\$15,183 75

From this should be deducted the difference in stores on hand, September 30, 1879 and September 30, 1880, viz.:

Stores on hand, September 30, 1880.....	\$4,686 07	
Stores on hand, September 30, 1879.....	3,276 98	
	<u> </u>	\$1,409 09
Actual deficit.....		<u><u>\$18,774 66</u></u>

GENERAL STATEMENT AND AVERAGES.

The daily average of convicts confined in Auburn prison during the year ending September 30, 1880, has been.		995 ³ / ₁₀
The total receipts for the support of Auburn prison during the year ending September 30, 1880, treasurer's drafts, etc	\$130,108 75	
The total earnings of Auburn prison during the year ending September 30, 1880, viz.: convict labor, convict deposits and miscellanies.....	114,925 00	
Showing an excess of receipts over earning for the year of.....	\$15,183 75	
The total earnings of the prison for the year as above..	\$114,925 00	
The average earnings per convict per annum.....	115 47	
“ “ “ “ “ “ diem.....	31 ³ / ₁₀	
The average number of convicts on contract per diem...	777 ¹ / ₁₀	
The total amount of contract earnings for the year....	\$112,836 06	
The average earnings per convict per annum.....	145 09	
“ “ “ “ “ “ diem.....	46 ⁴ / ₁₀	
The total expenditures of Auburn prison for the year ending September 30, 1880.....	\$130,108 75	
The average expenditures per convict per annum.....	130 72 ³ / ₁₀	
“ “ “ “ “ “ diem.....	35 ¹ / ₁₀	
The expenditure for “ordinary support” for the year, as per abstract.....	\$69,195 07	
The average for “ordinary support” per convict per annum....	69 52 ³ / ₁₀	
The average for “ordinary support” per convict per diem,	19	
The following are the average expenditures per convict per diem for the specific expenses below named for the year:		
For salaries of officers.....	15 ⁴ / ₁₀	cents.
For rations.....	10 ³ / ₁₀	“
For clothing and bedding.....	3 ³ / ₁₀	“
For fuel, light, etc	1 ³ / ₁₀	“
For all other expenditures.....	4 ¹ / ₁₀	“
Total, each convict, per diem.....	35 ³ / ₁₀	“

CLERK'S REPORT.

CLERK'S OFFICE, AUBURN PRISON, }
AUBURN, N. Y., October 1, 1880. }

Hon. LOUIS D. PILSBURY,
Superintendent of States Prisons, Albany, N. Y.:

SIR — I have the honor to transmit herewith the usual statement, tables, etc., exhibiting the transactions of this prison during the fiscal year ending September 30, 1880.

Very respectfully yours,

EDWARD R. HAMMATT, *Clerk.*

Wm. J. Moses and Frank L. Jones, agents and wardens of the Auburn State Prison, in account current with the State of New York, for cash received and expended for the general supplies of said prison during the year ending September 30, 1880 :

1879.		<i>Dr.</i>	
Oct. 1.	To balance on hand.....		\$369 95
1880.			
Sept. 30.	To treasurer's drafts received during the year..	130,181	82
	To convict labor.....	114,116	26
	To convicts deposits.....	858	21
	To miscellaneous earnings.....	1,230	73
			<hr/> \$246,756 97 <hr/>
Oct 1.	To balance on hand, brought down.....		<hr/> \$443 02 <hr/>
1880.		<i>Cr.</i>	
Sept. 30.	By expenditures for salaries of officers.....	\$56,395	99
	“ “ “ rations.....	39,049	94
	“ “ “ stock and materials.....	692	17
	“ “ “ printing and stationery....	456	57
	“ “ “ convicts traveling expenses,	3,951	84
	“ “ “ “ deposits refunded,	1,899	96
	“ “ “ furniture.....	274	01
	“ “ “ hospital.....	1,086	68
	“ “ “ clothing and bedding.....	12,074	34

Sept. 30. By expenditures for building and repairs	\$2,617 73
" " " firewood, oil, gas, etc.....	6,426 60
" " " hay, grain, etc.....	113 70
" " " miscellaneous.....	5,069 22
By amount deposited in Cayuga County National Bank.....	26,188 10
By amount in First National Bank.....	69,777 91
" " National Exchange Bank.....	20,239 19
By balance on hand.....	443 02
	<hr/>
	\$246,756 97
	<hr/>

STATE OF NEW YORK, } ss.:
Cayuga County.

Frank L. Jones, agent and warden, and Edward R. Hammatt, clerk, of the Auburn State prison, being sworn, says that the within account current is correct and true, according to the best of their knowledge and belief.

F. L. JONES, *Agent and Warden.*
E. R. HAMMATT, *Clerk.*

Subscribed and sworn, this 1st }
day of October, 1880, before me. }

JOHN S. BROWN,

Notary Public in and for Cayuga Co., N.Y.

Abstract of the total earnings and cash receipts and the total cash expenditures, with the average number of convicts per day and per month, at the Auburn prison from October 1, 1879, to September 30, 1880.

MONTHS.	Contract earn- ings.	Miscellaneous earnings.	Convict depos- its.	Total earnings.	Deposit in banks.	Treasurer's drafts.	Salaries of of- ficers.	Expenditures for ordinary support.	Expenditures for buildings and repairs.	Convict depos- its refunded.	Total expendi- tures.	No. of convicts on contract.	No. of convicts not on con- tract.	No. of convicts at close of month.	Monthly aver- age of con- victs.
October, 1879.....	\$10,293 02	\$65 01	\$75 88	\$10,434 91	\$9,953 64	\$13,299 01	\$4,672 89	\$8,640 30	\$133 12	\$90 04	\$13,576 35	846	218	1,064	1,087
November, ".....	8,745 10	39 11	138 96	8,973 17	10,521 09	12,228 96	4,739 88	6,804 63	205 93	187 55	11,998 19	826	214	1,040	1,063
December, ".....	9,362 95	87 10	21 73	9,471 78	8,853 93	11,562 42	4,748 73	6,285 18	202 72	488 59	11,725 22	822	220	1,042	1,040
January, 1880.....	9,772 42	173 05	2 15	9,947 62	9,937 60	11,281 18	4,744 91	5,233 00	142 47	56 28	10,181 66	786	213	1,011	1,028
February, ".....	8,496 07	120 80	46 27	8,663 14	9,939 49	9,238 45	4,711 54	4,964 28	35 64	236 42	9,999 86	783	217	1,010	1,008
March, ".....	10,184 25	169 63	114 42	10,468 50	8,780 32	10,165 47	4,734 79	5,236 99	23 40	2 25	9,997 43	798	213	1,011	1,013
April, ".....	9,776 50	48 53	88 70	9,863 72	10,271 47	10,360 70	4,716 41	5,748 00	126 94	44 10	10,636 35	770	209	979	994
May, ".....	9,555 25	56 24	130 96	9,742 67	9,963 72	9,455 19	4,691 49	4,116 55	211 86	61 92	9,881 82	763	205	968	983
June, ".....	9,604 60	132 82	134 79	9,772 11	9,822 86	13,947 80	4,684 61	5,160 69	300 47	51 80	10,197 47	756	205	962	981
July, ".....	9,207 25	110 00	21 63	9,338 88	9,636 13	9,060 50	4,676 70	6,813 49	644 95	413 47	12,548 61	736	205	941	965
August, ".....	9,007 75	169 54	52 00	9,229 29	9,428 79	9,935 87	4,566 57	4,472 82	273 94	113 26	9,405 69	716	195	911	925
September, ".....	8,931 00	57 91	30 50	9,019 41	9,066 16	9,156 19	4,648 57	5,663 06	316 29	142 28	10,770 20	707	190	897	904
Totals.....	\$112,836 06	\$1,230 73	\$658 21	\$114,725 00	\$116,265 20	\$130,181 82	\$56,365 99	\$69,193 07	\$2,617 73	\$1,899 96	\$130,108 75	9,331	2,505	11,836	.....

Average number of convicts on contract, 777.7-10; monthly average of convicts, 955.2-10.
 "Ordinary support" is found by deducting from "Total expenditures" the totals of "Salaries of officers," "Expenditures for building and repairs" and "Convicts deposits refunded."

STATEMENT A.

Of expenditures, per estimate, in Auburn prison for year ending September 30, 1880, showing the expense per convict per annum and per diem. Average number of convicts 995 $\frac{3}{10}$.

ESTIMATES.	Total amount of expenditure.	Average for convict per annum.	Average per convict per diem.
			Cents.
Salaries of officers.....	\$56,395 99	\$56 66	15 $\frac{6}{10}$
Rations.....	39,049 94	39 23	10 $\frac{1}{10}$
Stock and materials.....	692 17	70	$\frac{9}{10}$
Printing and stationery.....	456 57	46	$\frac{7}{10}$
Convicts' traveling expenses....	3,951 84	3 98	1 $\frac{1}{10}$
Convicts' deposits refunded.....	1,899 96	1 91	$\frac{6}{10}$
Furniture.....	274 01	27	$\frac{1}{10}$
Hospital.....	1,086 68	1 09	$\frac{1}{10}$
Clothing and bedding.....	12,074 34	12 13	3 $\frac{3}{10}$
Building and repairs.....	2,617 73	2 63	$\frac{8}{10}$
Fire-wood, oil, gas, etc.....	6,426 60	6 46	1 $\frac{8}{10}$
Hay, grain, etc.....	113 70	11	.....
Miscellaneous.....	5,069 22	5 09	1 $\frac{4}{10}$
Total expenditures.....	\$130,108 75	\$130 72	35 $\frac{8}{10}$
Expenditures for ordinary supplies.....	\$65,909 86	\$69 52	19 $\frac{5}{10}$

STATEMENT B.

William J. Moses and Frank L. Jones, agents and wardens of Auburn prison, in account current with the State of New York, for cash received and expended of the Visitors Fund of said prison during the fiscal year ending September 30, 1880.

DR.

1879.

Oct. 1. To balance remaining in hands of W. J. Moses,
agent and warden..... \$298 56

CR.

1879.

Oct. 31. By amount paid discharged convicts by W. J.
Moses, agent and warden..... \$35 00
Nov. 30. By amount paid discharged convicts by W. J.
Moses, agent and warden..... 26 00
Dec. 31. By amount paid discharged convicts by W. J.
Moses, agent and warden..... 42 00

1880.

Jan.	31.	By amount paid discharged convicts by W. J. Moses, agent and warden.....	\$33 00
Feb.	29.	By amount paid discharged convicts by W. J. Moses, agent and warden.....	14 00
March	31.	By amount paid discharged convicts by W. J. Moses, agent and warden.....	17 00
April	30.	By amount paid discharged convicts by W. J. Moses, agent and warden.....	33 00
May	31.	By amount paid discharged convicts by W. J. Moses, agent and warden.....	23 00
June	30.	By amount paid discharged convicts by W. J. Moses, agent and warden.....	26 00
July	1.	Balance transferred by W. J. Moses, agent and warden to F. L. Jones, agent and warden.....	49 56
			<u>\$298 56</u>

DR.

1880.

July	1.	To balance above transferred by W. J. Moses to Frank L. Jones, agent and warden.....	<u>\$49 56</u>
------	----	--	----------------

CR.

1880.

July	31.	By amount paid discharged convicts by Frank L. Jones, agent and warden.....	\$22 00
Aug.	31.	By amount paid discharged convicts by Frank L. Jones, agent and warden	22 00
Sept.	21.	By amount paid discharged convicts by Frank L. Jones, agent and warden.....	5 56
			<u>\$49 56</u>

STATEMENT C.

Showing the existing contracts in Auburn prison ; number of convicts called for by each contract ; the price per diem ; the time when they commenced and when they expire.

NAME OF CONTRACT.	Names of Contractors.	No. of Convicts.	Price per diem.	Commenced.	Expires.
Collar contract.....	Auburn Collar Co.....	50	50 cts.	May 1, 1878.....	April 30, 1883.
Shoe contract No. 2.....	George Corning.....	100	50 cts.	December 29, 1874,	December 28, '79 (holds over)
Shoe contract No. 1.....	Dunn, Salman & Co....	200	50 cts.	May 1, 1877.....	April 30, 1882.
Hollow-ware contract....	Foxell, Jones & Co....	100	50 cts.	December 13, 1879,	December 31, 1882.
Hame contract.....	Hayden & Smith.....	100	50 cts.	October 1, 1880...	September 30, 1885.
Axle contract.....	Sheldon & Co.....	225	50 cts.	December 10, 1879,	February 28, 1885.

STATEMENT D.

Showing the number of convicts in Auburn prison on September 30, 1879, including the number received, discharged, died and transferred, during the year ending September 30, 1880.

Number of convicts in prison September 30, 1879.....	1,104	
Number received during the year from Auburn prison district.....	192	
Number received during the year from Asylum for Insane convicts.....	11	
Number received during the year from Elmira Reformatory.....	5	
	<hr/>	1,312
Number of convicts discharged on commutation for good conduct.....	331	
Number of convicts discharged on special commutations.....	16	
Number of convicts discharged on expiration of sentence.....	7	
Number of convicts discharged on pardons.....	7	
Number of convicts discharged on writ <i>habeas corpus</i> ,.....	1	
Number of convicts died.....	12	
Number of convicts transferred to Clinton prison	26	
Number of convicts transferred to Asylum for Insane convicts.....	15	
	<hr/>	415
Number of convicts remaining in prison September 30, 1880,		<hr/> <hr/> 897

STATEMENT E.

Showing the number of convicts received and discharged in each month during the year ending September 30, 1880.

MONTH.	Received.	Discharged.	Excess received.	Excess discharged.
1879.				
October.....	24	64	.....	40
November.....	9	33	.....	24
December.....	40	38	2	.....
1880.				
January.....	8	39	.....	31
February.....	22	23	.....	1
March.....	25	24	1	.....
April.....	12	44	.....	32
May.....	18	29	.....	11
June.....	28	34	.....	6
July.....	10	31	.....	21
August.....	2	32	.....	30
September.....	10	24	.....	14
Total.....	208	415	3	210

STATEMENT F.

Giving a summary of convicts in Auburn prison September 30, 1880, and showing the number employed on contract, and State labor, sick, in hospital and infirm, locked, etc., and the total number in prison on that day.

Number of convicts employed on contract labor.....	707
Number of convicts employed on State labor.....	181
Number of convicts sick, in hospital and infirm.....	6
Number of convicts locked and under punishment.....	3
Total number in prison September 30, 1880.....	897

REPORT

OF THE YARD-MASTER AND ENGINEER.

YARD-MASTER AND ENGINEER'S OFFICE,
AUBURN PRISON, AUBURN, N. Y.,
October 1, 1880. }

F. L. JONES, Esq.,
Agent and Warden :

SIR — The following report of repairs and improvements, made at this prison during the year ending September 30, 1880, is respectfully submitted :

MAIN BUILDING.

At the close of the fiscal year 1879 we were engaged in putting a new tin roof on the hospital building to replace a slate roof, which, in consequence of poor material used and carelessness in putting on, has given more or less trouble since the building was erected. Ten outlets conduct the water from the roof down the inside of the building to underground sewers through cast iron soil pipes, each of which is four inches in diameter. The entire work was done with convict help, and was completed on the ninth day of October. It has given no trouble since.

The front entrance gate, a cumbersome affair, six feet wide and eleven feet high, weighing nearly a ton, and wholly inappropriate for the service required, has been removed, and a gate four feet wide and eight feet high substituted in its place. It was found necessary to remove the entire front in order to do the work in a substantial and workmanlike manner. Convict labor was made available wherever practicable. The change was completed on the twentieth day of December.

The store-keeper's apartments have been thoroughly repaired ; new floors laid, side walls and ceilings hard finished, wash basins and water closets put in, steam radiators furnished and such other alterations as were deemed necessary to place his quarters in perfect repair. They were completed on the 24th day of January, 1880. The entire labor was done by convicts.

On the first day of April we commenced a series of improvements embracing the chapel hall, State agent's office, barber shop and a change of officer's quarters; all of which are completed except the officer's quarter. No expense will be incurred for outside labor.

SHOPS.

Sheldon & Co. requiring more room for storage purposes and a shop for repairing tools, a brick building 60 feet long and 36 feet wide was erected in the rear of and adjoining axle shop No. 2 for that purpose. State labor was employed exclusively in its construction. It was completed on the 17th day of December, 1879.

Two ventilators have been put on the roof of the collar shop, six feet square, to remedy the want of sufficient circulation of air in the work shop.

On the evening of November 17, 1879, the hame and plate shops were entirely consumed by fire. Plans, specifications and estimates for material were prepared and the work of rebuilding commenced at once. The new building is 52 feet wide by 206 feet long (exclusive of the boiler-room) and two stories high. Each story is respectively 15 and 14 feet between floors. The walls are of brick, 16 inches thick. The second floor is supported by girders of pine, 10x14 inches square, 51 feet long and placed 8 feet from center to center, supported by iron columns resting on solid masonry. The girders forming a support for the garret floor are of pine, 10x12 inches square, and act as a base for the truss timbers forming the support of the roof and span the building from wall to wall. The utmost care and attention was given to its construction, and it is conceded, by those competent to judge, to be complete in all its details. It was completed on the 6th day of April, 1880.

A want long felt has been supplied in the erection of a coal shed of sufficient size to store a year's supply of coal — a permanent structure, built of brick with walls from sixteen to twenty inches thick, securely braced and capable of storing twelve hundred ton of coal. In order to place it where the agent and warden desired, it was found necessary to remove the inner north gate entrance fifty feet to the north. In doing that we enlarged it somewhat, which involved the necessity of making a new gate. Convict labor was employed principally in its construction. It was completed on the second day of September, 1880.

MISCELLANEOUS.

An appliance for steaming potatoes has been supplied for use in the convicts' kitchen. A new store-room and water-closet have been put in for their convenience.

The hospital roof has been repainted, and the prison supplied with new cell buckets, which are of standard size and uniform shape.

Sewers of stone of insufficient size, and in some instances within six inches of the surface of the ground, have been replaced by vitrified tile, lowered in the ground beyond the reach of frost.

Foxell, Jones & Co.'s chimney has been increased in height six feet, and furnished with a cast iron top.

The roadways inside the yard being mostly newly made and subject to very severe usage, require constant care and frequent application of gravel to keep them in good order.

It has been found necessary to enlarge some of the surface outlets in different parts of the yard and put in several new ones to relieve the gutters during heavy falls of rain. Wall street sewer, where it

enters the prison yard, has been taken up and relaid and grated with heavy steel bars, thereby making it perfectly secure at a point which has been considered heretofore unsafe.

The well in the north yard (the only one on the prison grounds) has been connected with a cast iron pump located inside the yard and accessible for prison use during the summer months.

The physician in charge sends us, from time to time, convalescents from among those who are in need of out door air and moderate exercise, who render us valuable aid in keeping the roadways, gutters and grounds clean and in proper order.

In reviewing the work done during the past year, it may not be out of place to say, that the able-bodied men assigned to duty in this department have been reduced to the lowest possible number; the principal part of our help being men unfit for contract labor.

Respectfully submitted,

JOHN C. WHITE,

Yard Master and Engineer.

PHYSICIAN'S REPORT.

HOSPITAL, AUBURN PRISON, }
October 1, 1880.

Hon: LOUIS D. PILSBURY,
Superintendent of State Prisons :

SIR — The annual report of the medical department of Auburn prison for the year ending September 30, 1880, is herewith respectfully submitted :

The whole number of convicts in prison October 1, 1879..	1,104
The daily average number of convicts in prison for the year,	995
The whole number of convicts received in prison during the year.....	208
The whole number of convicts discharged from prison during the year.....	415
The whole number of convicts discharged by commutation during the year	331
The whole number of convicts discharged by expiration during the year.....	7
The whole number of convicts discharged by transfer to Clinton prison.....	26
The whole number of convicts sent to lunatic asylum for insane convicts....	15
The whole number of convicts received from asylum for insane convicts.....	11
The whole number of convicts discharged by writ.....	1
The whole number of convicts discharged by pardon.....	7
The whole number of convicts discharged by special commutation.....	16
The whole number of convicts discharged by death.....	12
The whole number of convicts received by transfer.....	5
The whole number of convicts in good health when received	171
The whole number of convicts more or less disabled when received.....	37
The whole number of convicts capable of full labor.....	684
The whole number of convicts more or less diseased or disabled.....	213

The whole number of convicts received in the hospital....	337
The daily average number of convicts received in hospital,	13
The whole number of applicants for treatment.....	12,405
The whole number of prescriptions.....	9,852
The whole number of days labor performed.....	230,193½
The whole number of days excused by the physician.....	3,030½

The general health of the convicts in the prison has been good. The health rate will not suffer by comparison with an equal number of men outside the prison, similarly constituted.

The number of prescriptions has been large, owing to the fact that all their little wants, whether real or imaginary, have received attention.

The diet has been full, reasonably varied, well prepared, of good quality, and sufficient quantity. The hospital and dispensary have been amply supplied with every needed thing, and the sick have received every care and comfort of a private home, save the presence of immediate friends.

The annexed tables 1, 2, 3, 4, will give further information in detail.

TABLE No. 1.
Showing out hospital report.

MONTHS.	Applications for treatment.	Number treated.	Number not treated.	Number excused for sickness.	Number excused for accidents.	Total number excluded.	Average number of applications.	Average number treated.	Average number not treated.	Average number excluded for sickness.	Average number excluded for accidents.	Average number excluded for sickness and accidents.	Number in prison last of month.	Number on contract.	Number not on contract.
1879.															
October.....	1,779	1,276	503	121	78	199	57.38	41.16	16.22	4.48	2.89	7.37	1,064	846	218
November.....	897	624	273	44	22	66	34.6	24.1	10.5	1.83	.92	2.75	1,040	826	214
December.....	820	542	278	21	18	39	31.53	20.44	10.99	.80	.70	1.50	1,042	827	215
1880.															
January.....	772	556	216	26	21	47	24.90	17.93	6.97	.96	.78	1.74	1,011	798	213
February.....	687	510	177	14	60	64	28.63	21.25	7.37	.58	.28	2.66	1,010	794	216
March.....	763	498	265	19	9	28	28.25	18.44	9.81	.70	.33	1.63	1,011	800	211
April.....	804	552	252	43	35	78	30.92	22.76	8.16	1.65	1.35	3.	979	772	207
May.....	850	649	201	68	63	131	32.69	24.96	7.73	2.61	2.42	5.03	968	763	205
June.....	1,209	1,042	167	96	38	104	46.50	40.07	6.43	2.54	1.46	4.	962	758	204
July.....	1,473	1,369	104	155	112	267	56.65	52.65	4.	5.96	4.30	10.26	941	734	207
August.....	1,234	1,157	77	96	45	141	47.46	44.50	2.96	3.69	1.73	5.42	911	716	195
September.....	1,117	1,167	80	57	80	137	42.96	39.89	3.07	2.19	3.08	5.27	897	707	190
Total.....	12,405	9,882	2,523	730	571	1,301	462.36	368.45	93.91	27.99	22.04	50.03	11,836	9,341	2,495
Average.....	1,033.75	821	212.75	60.83	47.58	108.41	38.53	30.70	7.83	2.33	1.84	4.17	986.38	778.42	207.91

Whole number in prison during the year..... 1312 Average number in prison during the year..... 995
 Percentage of deaths during the year..... .009 Percentage of deaths on average number in prison..... .012
 Percentage of pardons during the year..... .017 Percentage of pardons on average number in prison..... .023
 Percentage sent to asylum during the year..... .011 Percentage sent to asylum on average number in prison..... .015

TABLE No. 2.
Showing in Hospital Report.

MONTHS.	Number in prison first of month.	Received during the month.	Discharged during the month.	In prison last of month.	In hospital first of month.	Received during the month.	Discharged during the month.	No. treated each month for sickness.	No. treated each month for accident.	Total number treated each month.	Monthly average for sickness and accidents per day.	Days lost by sickness each month.	Days lost by accident each month.	Total number of days lost for sickness and accident.	Sent to asylum.	Med.
1879.																
October	1,101	24	64	1,064	31	17	31	42	6	48	22	168	51	219	4	1
November	1,064	9	33	1,040	17	9	12	25	2	26	16	77	2	77	2	2
December	1,040	40	38	1,042	14	10	17	22	2	24	10	111	2	113	.....	.....
1880.																
January	1,042	8	29	1,011	7	12	13	17	2	19	7	44	15	59	.....	1
February	1,011	22	2	1,010	6	10	6	14	1	16	8	54½	8	62½	.....	.....
March	1,010	25	24	1,011	10	14	12	21	3	24	12	115	51	166½	.....	.....
April	1,011	12	44	979	12	15	14	24	3	27	11	146	33	179	.....	.....
May	979	18	29	968	13	10	16	21	2	23	14	164	20	184	.....	.....
June	968	24	34	962	13	14	7	17	4	21	10	110	42	152	.....	.....
July	962	10	31	941	14	25	20	30	9	39	18	143	102	245	.....	.....
August	941	2	32	911	19	26	34	36	9	45	16	70	118	188	.....	.....
September	911	10	24	897	11	14	18	21	4	25	8	68	14	82	.....	.....
Total	12,043	208	415	11,836	161	176	200	291	46	337	152	1,272½	457	1,729½	15	12
Average	1003.58	17.33	34.58	986.33	13.42	14.66	16.66	24.25	3.83	28.08	12.66	106.04	38.08	144.12	1.25	1

TABLE No. 3.
Showing number of Deaths during the Year.

No.	NAME.	Color.	Age.	Habits.	How employed.	Crime.	TERM.		Entered prison.	Entered hospital.	Date of death.	Disease.
							Years.	Months.				
1	James P. Eighmy	W.	33	Intemp.	Hame	Burg. & larceny 24 off.	7	.....	Feb. 22, 1877	Oct. 13, 1879	Oct. 16, 1879	Shock caused by internal injuries.
2	George W. Gay	W.	41	Temp.	Axie 2	Forgery	4	.....	Dec. 18, 1877	Sept. 13, 1879	Dec. 18, 1879	Gravel infection of heart.
3	Thomas Davidson	W.	30	Temp.	Hame	Ass't to harm and kill.	4	.....	Sept. 19, 1877	Nov. 6, 1879	Dec. 18, 1879	Phthisis.
4	Richard Davidson	B.	28	Temp.	Hame	Ass't to harm and kill.	7	.....	May 7, 1875	Oct. 1, 1879	Jan. 2, 1880	Hemorrhage.
5	Thomas Degan	W.	23	Temp.	Shoe 2	Robbery, 1st.	7	.....	April 3, 1876	Dec. 13, 1879	Mar. 10, 1880	Tubercular phthisis.
6	Joseph Harnessfager	W.	33	Temp.	Hame	Robbery, 1st.	4	.....	June 24, 1878	April 14, 1880	April 24, 1880	Abscess of spermatic cord.
7	James Galivan	W.	40	Temp.	Foundry 1.	Petit larceny, 24 off.	4	.....	Sept. 20, 1878	Mar. 29, 1880	April 27, 1880	Abscess of liver.
8	Henry Martin	W.	56	Temp.	Foundry 1.	Burglary, 3d.	2	6	Oct. 7, 1878	June 13, 1879	June 4, 1880	Phthisis.
9	Andrew Tyranny	W.	54	Temp.	State	Ass't intent to ravish.	5	.....	Sept. 20, 1878	Mar 14, 1880	June 8, 1880	Hemorrhage lung.
30	William E. Curley	W.	25	Temp.	Shoe 1	Robbery, 1st.	15	.....	June 7, 1877	June 19, 1880	July 26, 1880	Bronchitis.
41	James Flannigan	W.	21	Temp.	Axie 1	Burglary, 1st.	10	.....	July 7, 1876	April 26, 1880	Aug. 1, 1880	Colitis.
42	William Marois	W.	46	Temp.	Finishing	Procuring an abortion.	15	.....	July 6, 1875	Feb. 27, 1880	Aug. 10, 1880	Septicemia.

TABLE No. 4.

Percentage of deaths and Pardons.

YEARS.	Average number of convicts for year.	Number of deaths.	Percentage of deaths on average number of convicts.	Number of pardons.	Percentage of par- dons on average No. of convicts.	YEARS.	Average number of convicts for year.	Number of deaths.	Percentage of deaths on average number of convicts.	Number of pardons.	Percentage of par- dons on average No. of convicts.
1818.....	97	1	1.03	.....	.....	1850.....	661	10	1.51	22	3.32
1819.....	177	2	1.13	.....	.....	1851.....	732	16	2.12	55	7.31
1820.....	199	3	1.50	.....	.....	1852.....	759	12	1.58	85	11.18
1821.....	223	5	2.24	.....	.....	1853.....	753	18	2.39	64	8.49
1822.....	229	13	5.70	.....	.....	1854.....	747	19	2.54	62	8.30
1823.....	269	9	3.24	.....	.....	1855.....	730	16	2.19	86	11.78
1824.....	328	2	0.61	.....	.....	1856.....	656	7	1.16	47	6.85
1825.....	386	6	1.55	.....	.....	1857.....	678	6	0.88	50	7.37
1826.....	426	7	1.64	.....	.....	1858.....	669	14	2.09	53	7.92
1827.....	476	9	1.89	.....	.....	1859.....	788	13	1.65	39	4.94
1828.....	547	8	1.64	.....	.....	1860.....	855	13	1.52	25	2.92
1829.....	604	6	0.99	.....	.....	1861.....	856	13	1.52	39	4.55
1830.....	605	18	2.97	.....	.....	1862.....	756	18	2.26	29	3.64
1831.....	633	15	2.37	.....	.....	1863.....	757	18	2.37	20	2.64
1832.....	646	12	1.86	.....	.....	1864.....	691	15	2.17	50	7.23
1833.....	665	11	1.65	.....	.....	1865.....	532	4	0.75	34	10.15
1834.....	666	11	1.65	49	7.37	1866.....	684	5	0.43	61	8.91
1835.....	654	10	1.53	54	8.25	1867.....	840	15	1.78	48	5.71
1836.....	656	18	2.74	45	6.86	1868.....	918	10	1.08	31	3.79
1837.....	679	19	2.79	35	5.15	1869.....	951	11	1.15	50	5.55
1838.....	661	15	2.26	57	8.62	1870.....	936	6	0.64	18	1.52
1839.....	643	10	1.55	14	2.17	1871.....	964	8	0.83	32	3.31
1840.....	682	14	2.05	23	4.83	1872.....	1,112	8	0.72	45	1.04
1841.....	701	9	1.28	36	1.99	1873.....	1,107	12	1.08	17	1.53
1842.....	709	7	0.98	38	5.36	1874.....	1,192	15	1.15	22	1.84
1843.....	742	11	1.48	38	5.12	1875.....	1,262	19	1.50	26	2.66
1844.....	775	10	1.29	.....	.....	1876.....	1,380	30	2.17	28	2.63
1845.....	757	11	1.49	.....	.....	1877.....	1,287	16	1.15	26	1.87
1846.....	745	30	4.02	36	4.69	1878.....	1,332	15	0.97	35	2.12
1847.....	582	15	2.57	.....	.....	1879.....	1,146	18	1.56	29	2.50
1848.....	497	12	2.41	55	11.06	1880.....	995	12	1.20	23	2.57
1849.....	512	6	1.17	.....	.....				

NOTE.—As to the years left blank under the head of pardons, the records were not accessible.

Total number of deaths since foundation of prison, viz., sixty-three years.....	745.
Average yearly percentage of deaths.....	1.74
Average for this year.....	1.20
Average yearly percentage of pardons.....	5.40
Average for this year.....	2.31

STATE OF NEW YORK, }
Cayuga County. } ss.:

I, Lyman Congdon, being duly sworn, do depose and say that the foregoing report is true to the best of my knowledge and belief.

LYMAN CONGDON,
Prison Physician.

Sworn and subscribed to, before me, }
 this 5th day of October, 1880. }

E. R. HAMMATT, *Clerk.*

REPORT OF THE CHAPLAIN.

AUBURN PRISON, *Sept. 30, 1880.*

To the Honorable LOUIS D. PILSBURY,
Superintendent of State Prisons :

DEAR SIR — In compliance with law and usage, I have to report to you that the religious services conducted in this prison during the past year have been of a like character with those held during the past seven years of my ministrations as chaplain of this prison. Our Sabbath school and religious services have been held on every Sunday morning during the year. The Sabbath school is regularly attended by about three hundred of the prisoners. The students of the Auburn Theological Seminary (when that institution is in term) have volunteered their services as teachers at the Sabbath school, and when their vacation occurred their places have been supplied by citizens of this city. I have every reason to believe that many of the prisoners have been greatly benefited by these services.

In my report to you one year ago I called attention to the dilapidated condition of our prison library, and then suggested the appropriation of at least seven hundred dollars to be used in the purchase of new books. We needed that sum at that time, because, though we had a large number of books (rather pieces of books), the library was then in a very dilapidated condition. The use of these books during the past year has rendered many of them entirely unfit for further use, and it will require the expenditure of at least one thousand dollars to bring the library up to a proper condition. When it is remembered that our books are in constant use by the prisoners when in their cells at night and on Sunday, it is not very surprising that they soon become worn and dilapidated. I earnestly hope that the next legislature will grant us an appropriation of at least one thousand dollars for the use of our library.

I desire to call attention to the condition of the prisoners confined in this prison who are under life sentence. We already have laws which benefit every other class of prisoners, in holding out to them the hope that they may, by good conduct, earn one year off the first four years of their sentence, and five months off each and every year of the succeeding years of their sentence. You will see by reference to the accompanying tables that we now have two hundred and ninety-five men here with sentences varying from ten to thirty years. These men, notwithstanding their long sentences — and to many it proves to be a life sentence — have the hope of again meeting their wives, children and friends, as free men ; and most of them are so conducting themselves that they will be entitled to the full benefit of our commutation laws. What good reason is there for supposing that a man in prison under a life sentence is a different man (morally) from

one who is in prison under a sentence of twenty or thirty years? Why not hang a light in the cell of the one as well as in the cell of the other? I believe that the best results would follow if some provision should be made—some hope, let it be ever so faint, held out to this class of prisoners. We now have fifty-six men confined in this prison on life sentence. Undoubtedly a few of these will and should be pardoned. I believe that all should be encouraged to the extent of knowing that many years of good and exemplary conduct would surely end, if their lives are spared, in breathing the air of freedom once again. I do not wish to throw any doubt on the wisdom or justice of existing laws regarding the punishment of crime, but I think it will be conceded by all persons who have been long connected with our prisons, that reason and humanity demand that so long as a man is permitted to live he should be permitted to hope. If some such basis could be established, as for instance, the adoption of the North Hampton tables as furnishing the basis of longevity, etc., and by that fixing a limit to the life sentence, and then allow life prisoners the same benefit of existing commutation laws as that now enjoyed by every other class of prisoners—it would not only set a star, dim perhaps, for the life prisoner to look up to, but would be fraught with the best results upon the life and conduct of the men to be benefited by it.

The commutation laws and the work given the prisoner to perform, are both elements of reform in prison discipline; the first tending to cause all to curb every propensity to violate the rules established for their governance—the second teaching them habits of industry, and both conducing to render the prisoner a law-abiding and industrious man when set at liberty.

The State agency which has been established for the purpose of rendering assistance to out-going prisoners enters in largely as an element of reform. The amount of money which has heretofore been appropriated for this purpose should, in my judgment, be increased to at least fifteen thousand dollars yearly for all the prisons.

The good results of these reformatory influences are seen in a measure by the comparatively small number of men who are returned to our prison after being once discharged from it. You will of course understand that the annexed table No. 9 shows the number who have been committed more than once to this or to any other prison in this, or in any foreign countries; and further that many of them have been confined for the second time or more for a number of years; so that the actual number who have been committed for the second time or more, since the adoption of the reformatory measures referred to, is comparatively very small.

Thanking you, sir, for past indulgences, and the officers of this prison for their co-operation and courtesies,

I am most truly yours,

W. SEARLS.

Chaplain.

TABLE No. 1.

Total number in Auburn prison September 30, 1880.

White	848
Colored	45
Indian	4
Total	897

Grade of education.

Academical	25
Collegiate	14
Common school	412
High school	17
No education	87
Read and write	216
Read only	126
Total	897

Habits.

Intemperate	341
Moderate	251
Temperate	305
Total	897

TABLE No. 2.

Showing their nativity — Born in the United States.

California	1	Massachusetts	11
Connecticut	4	Nebraska	1
Delaware	1	New Hampshire	1
District of Columbia	2	New Jersey	16
Florida	1	New York	541
Georgia	1	North Carolina	3
Illinois	3	Ohio	9
Indiana	3	Pennsylvania	33
Kentucky	1	Rhode Island	3
Maryland	4	Virginia	10
Missouri	2	Vermont	4
Michigan	5	Wisconsin	2
Maine	3		
Total			665

Born in other countries.

At sea.....	1	Malta.....	1
Canada.....	45	Nova Scotia.....	1
Cuba.....	1	New Brunswick.....	2
Denmark.....	1	Russia.....	2
England.....	39	Poland.....	2
France.....	12	Scotland.....	3
Finland ..	1	Spain.....	1
Germany.....	42	Sweden.....	3
Holland.....	1	Saxony.....	1
Ireland.....	61	Switzerland.....	2
Italy.....	9	West Indies.....	1
Total.....			<u>232</u>

RECAPITULATION.

Born in the United States.....	665
Born in other countries.....	<u>232</u>
Total.....	<u>897</u>

TABLE NO. 3.

Exhibit of crimes against the person.

Assault to kill.....	35
Assault to rape.....	14
Assault with deadly weapon.....	2
Assault, felonious.....	1
Assault to harm.....	9
Assault and abduction.....	1
Burglary and rape.....	3
Bigamy.....	15
Incest.....	5
Manslaughter (various degrees).....	18
Murder (various degrees).....	42
Poisoning well.....	1
Producing miscarriage.....	1
Rape.....	48
Total.....	<u>195</u>

Against property.

Arson and attempts.....	31
Burglary and attempts.....	211
Burglary and attempts.....	127
Burglary and larceny, and receiving stolen goods.....	13
Body stealing.....	3
Embezzlement.....	2
False pretenses.....	7
Forgery.....	41
Grand larceny.....	103
Larceny from person.....	23
Larceny after felony.....	7
Petit larceny, second offense.....	11
Receiving stolen goods.....	12
Total.....	<u>591</u>

Against person and property.

Obstructing railroad train.....	3
Perjury	4
Perjury, subornation of.....	2
Robbery and attempts.....	96
Stoning railroad carriage.....	1
Total	106

Against government.

Abandoning a child	1
Assisting an escape from jail.....	1
Counterfeiting	2
Exposing to view obscene pictures.....	1
Total	5

RECAPITULATION.

Crime against person	195
Crime against person and property.....	106
Crime against property.....	591
Crime against government.....	5
Total	897

TABLE NO. 4.

Counties where convicted.

Allegany	12	Onondaga.....	52
Albany.....	1	Ontario	20
Broome	17	Orleans.....	12
Cayuga.....	12	Otsego	16
Chautauqua.....	24	Oswego	25
Cattaraugus.....	26	Putnam	1
Chemung.....	23	Queens.....	6
Cortland	10	Richmond.....	3
Chenango	9	Rensselaer.....	1
Delaware	20	Seneca	5
Erie.....	114	Suffolk.....	2
Genesee.....	15	Schuyler	5
Herkimer.....	18	Steuben.....	15
Jefferson	25	St. Lawrence.....	2
Kings.....	9	Tioga	20
Lewis.....	10	Tompkins.....	4
Livingston.....	8	Ulster	1
Monroe	69	Wayne	13
Madison	28	Wyoming	14
New York	136	Westchester.....	11
Niagara.....	24	Yates.....	6
Oneida.....	53		
Total			897

TABLE No. 5.

Showing terms of sentence.

One year and less than two.....	16
Two years and less than three.....	72
Three years and less than four.....	82
Four years and less than five.....	93
Five years and less than six.....	203
Six years and less than seven.....	26
Seven years and less than eight.....	55
Eight years and less than nine.....	45
Ten years and less than eleven.....	108
Eleven years and less than twelve.....	2
Twelve years and less than fourteen.....	15
Fourteen years and less than fifteen.....	2
Fifteen years and less than seventeen.....	43
Seventeen years and less than eighteen.....	5
Eighteen years and less than nineteen.....	10
Nineteen years and less than twenty.....	3
Twenty years and less than twenty-five.....	55
Twenty-five years and less than thirty.....	1
Thirty years and less than thirty-five.....	1
Life.....	56
Indefinite.....	4
Total.....	<u>897</u>

TABLE No. 6.

Showing age when convicted.

Fifteen years and less than sixteen.....	1
Sixteen years and less than seventeen.....	5
Seventeen years and less than eighteen.....	15
Eighteen years and less than nineteen.....	19
Nineteen years and less than twenty.....	25
Twenty years and less than twenty-five.....	262
Twenty-five years and less than thirty.....	224
Thirty years and less than thirty-five.....	
Thirty years and less than forty.....	213
Forty years and less than fifty.....	94
Fifty years and less than sixty.....	26
Sixty years and less than seventy.....	12
Seventy years and less than eighty.....	1
Total.....	<u>897</u>

TABLE No. 7.

Showing previous occupation.

Artists.....	3	Gold platers.....	1
Actors.....	1	Harness makers	5
Agents.....	4	Hatters.....	3
Bakers.....	8	Laborers.....	377
Brick makers.....	1	Lath and plasterers.....	5
Barbers.....	18	Lawyers.....	4
Bar keepers.....	7	Masons and stone cutters ...	24
Blacksmiths.....	17	Merchants.....	3
Boiler makers.....	3	Machinists.....	17
Boatmen.....	13	Moulders.....	7
Bricklayers.....	4	Ostlers.....	8
Book binders.....	2	Physicians.....	3
Brakemen.....	8	Plumbers and gas fitters. ...	8
Book-keepers and clerks.....	15	Printers.....	8
Brokers.....	1	Professor of languages.....	1
Brewers.....	2	Paper makers.....	1
Butchers.....	13	Peddlers.....	9
Carpenters.....	41	Painters.....	18
Conductors.....	2	Sail makers.....	1
Caulkers.....	1	Seamen.....	22
Cigar makers.....	15	Shoemakers	37
Cooks.....	12	School teachers.....	3
Civil engineers.....	3	Stenographers.....	1
Cabinet makers.....	4	Tailors.....	12
Coopers.....	5	Tinsmiths.....	7
Confectioners.....	2	Teamsters.....	15
Deputy sheriff.....	1	Telegraph operators.....	3
Dentist.....	1	Tanners.....	3
Drover.....	1	Upholsterers.....	2
Engraver.....	1	Undertakers.....	1
Engineer.....	11	Weavers and spinners.....	7
Farmers.....	36	Waiters.....	9
Fireman.....	1	Watchmakers and jewelers...	1
Fishermen.....	2	Wagon makers.....	3
Gardeners.....	4	Wood carvers.....	1
Glass blowers.....	4		
Total.....			897

TABLE No. 8.

Social relations.

Married.....	364
Single.....	533
Total.....	897

TABLE No. 9.

How often committed.

For the first time.....	697
For the second time.....	147
For the third time.....	34
For the fourth time.....	12
For the fifth time.....	6
For the sixth time.....	1
Total.....	<u>897</u>

CLINTON PRISON.

DANNEMORA, N. Y., *October 1, 1880.*

Hon. L. D. PILSBURY,

Superintendent State Prisons, Albany, N. Y. :

Herewith I submit the annual report of Clinton prison for the fiscal year ending September 30, 1880. The expenditures for the year were \$90,606.69 ; the earnings for the year were \$54,952.46 ; deficiency, \$35,654.23. In comparing the expenditures and earnings with the preceding year, they show a decrease in expenditures of \$17,932.33, and an increase of earnings of \$8,189.71, showing a decrease in deficiency, \$26,122.04.

For the last two months of the fiscal year the receipts exceeded the expenditures, \$2,290.34. During the year, \$2,000 were expended from monthly estimates for ordinary repairs, and \$995.48 from special appropriation for steam kettles, plank roads, etc., leaving an unexpended balance amounting to \$5,855.28, which sum I shall return to the treasurer of the State. I am of the opinion there should be no special appropriations made by the legislature for ordinary repairs, etc. But a monthly estimate should be made by the warden as necessity may demand, which is the only practical way of showing the actual cost of maintaining the prison. The average cost of rations was $10\frac{1}{10}$ cents per day per man, showing a decrease from the preceding year of $1\frac{1}{10}$ cents. The expenses of officering this prison can be greatly reduced when the improvements contemplated are completed.

Your obedient servant,

ISAIAH FULLER,

Agent and Warden.

CLERK'S REPORT.

DANFEMORA, N. Y., *October 1, 1880.*

To Hon. LOUIS D. PILSBURY :

SIR— In accordance with law I submit the following report of the matters pertaining to the department under my charge, in this prison, for the fiscal year ending September 30, 1880:

GEO. F. WATSON, *Clerk.*

FINANCIAL.

Dr.

To cash on hand October 1, 1879.....	\$31 72
To treasurer's draft during the year.....	90,782 51
To small sales and deposits.....	18,072 86
To cash received from contract labor.....	36,468 00
	\$145,355 09

Cr.

By expenses for:	
Salaries, estimate No. 1.....	\$42,908 18
Rations, estimate No. 2.....	26,141 63
Material, tools, etc., estimate No. 3.....	5,402 14
Stationery, estimate No. 4.....	669 88
Mileage to discharged convicts, estimate No. 5.....	2,997 19
Furniture, estimate No. 6.....	278 50
Drugs, etc., estimate No. 7.....	447 39
Clothing, bedding, etc., estimate No. 8.....	2,058 02
Material and labor, other than convicts, for building and repairs, estimate No. 9.....	1,116 84
Fuel, lights, etc., estimate No. 10.....	5,083 77
Hay and feed, estimate No. 11.....	772 06
Miscellaneous, estimate No. 12.....	2,731 09
Deposited to the credit of treasurer State of New York,	54,540 86
Cash on hand.....	207 54
	\$145,355 09

SPECIAL APPROPRIATIONS.

September 30, 1880.	On hand at last report.	Amount expended.	Amount on hand.
Heating appropriation.....	\$4 28	.....	\$4 28
Plank-road appropriation.....	282 68	.....	282 68
Building appropriation.....	09	.....	09
Library appropriation.....	496 34	\$496 04	30
Steam kettle appropriation.....	1,200 00	895 48	304 52
Steam fixtures.....	39 21	.....	39 21
Wall appropriation.....	224 20	.....	224 20
Solitary cell appropriation.....	5,000 00	.....	5,000 00

TABLE No. 1.

Abstract of the total earnings and cash receipts, and the total cash expenditures for all purposes, with the number of all the convicts per month at the Clinton prison, from October 1, 1879, to September 30, 1880.

MONTHS.	Misc. earnings.	Total earnings.	Deposited in bank.	Treasurer's draft.	Expenditures, ordinary sup.	Expended for officers.	Total Expenditures.	No. convicts on contract.	No. convicts not on contract.	Total No. convicts.	Amount of food on hand.
October	\$3,374 83	\$6,360 03	\$6,366 43	\$8,873 41	\$5,228 55	\$3,480 65	\$8,709 20	290	199	489	\$3,432 26
November	1,194 48	2,791 68	3,179 68	7,573 40	4,566 70	3,523 12	8,119 82	287	193	480	3,571 72
December	1,406 34	4,474 64	4,003 34	7,847 67	4,315 31	3,580 77	7,896 08	310	173	483	3,002 03
January	584 64	3,831 04	3,632 64	8,663 38	5,080 73	3,635 65	8,666 38	312	166	478	3,514 55
February	937 66	3,719 36	4,184 56	9,072 86	5,659 85	3,414 52	9,074 37	306	159	465	2,279 37
March	506 00	3,553 90	3,297 80	7,893 73	3,781 08	3,543 51	7,824 59	302	154	456	2,073 35
April	518 98	3,472 38	3,566 88	6,509 63	3,096 29	3,611 65	6,707 94	299	156	455	1,973 78
May	1,237 82	4,156 42	4,210 72	6,893 54	3,526 45	3,567 97	7,113 42	318	182	500	1,964 46
June	337 21	3,436 81	3,236 81	7,029 92	3,248 42	3,681 15	6,929 57	317	175	492	2,100 77
July	8,131 22	3,601 42	3,832 64	6,154 94	3,174 62	3,679 85	6,833 83	323	172	495	1,800 76
August	8,175 11	3,683 11	3,853 11	6,453 71	3,117 97	3,679 85	6,833 83	327	171	498	1,595 28
September	5,210 37	8,613 57	8,423 57	6,667 55	2,976 24	3,579 18	6,556 42	341	181	522	1,144 02
Totals	\$18,484 46	\$54,953 46	\$54,540 86	\$90,782 51	\$47,696 51	\$42,966 18	\$90,606 69	.....	.....	.....	.....

The number of convicts in this prison, October 1, 1880, was. 471
 The number received during the year..... 247
718

The number discharged was:

By commutation for good conduct.....	157
By special commutation.....	12
By expiration of sentence.....	4
By pardon.....	3
By transfer to insane asylum.....	9
By order of court.....	1
By death.....	10
By escape.....	1
	<u>197</u>

Remaining in prison October 1, 1880..... 521

Employed as follows:

On hat contract.....	341
State work and waiters (unable to work on contract).....	152
Cripples unable to work.....	14
Sick in hospital.....	14
	<u>521</u>

The daily average during the year..... 484

TABLE NO. 2.

Showing earnings and expenditures at Clinton prison for the fiscal year ending September 30, 1880.

	Earnings.	Expenditures.
1879.		
October.....	\$6,360 03	\$8,709 20
November.....	2,791 68	8,119 82
December.....	4,474 54	7,896 08
1880.		
January.....	3,831 64	8,666 38
February.....	3,719 36	9,074 37
March.....	3,553 90	7,324 59
April.....	3,472 38	6,707 94
May.....	4,156 42	7,113 42
June.....	3,438 81	6,929 57
July.....	3,601 42	6,803 38
August.....	6,938 71	6,706 52
September.....	8,613 57	6,555 42
Totals.....	<u>\$54,952 46</u>	<u>\$90,606 69</u>
Deficiency for the year.....		<u>\$35,654 23</u>

TABLE No. 3.

Convicts received at Clinton prison during the year ending September 30, 1880; showing counties where convicted.

Albany.....	18	Rockland.....	1
Columbia.....	7	Richmond.....	1
Clinton.....	5	St. Lawrence.....	4
Dutchess.....	4	Saratoga.....	11
Essex.....	4	Sullivan.....	4
Erie.....	2	Schenectady.....	8
Fulton.....	3	Schoharie.....	1
Franklin.....	7	Suffolk.....	1
Greene.....	3	Ulster.....	1
Montgomery.....	10	Washington.....	2
New York.....	110	Warren.....	2
Niagara.....	1	Westchester.....	5
Orange.....	1		
Queens.....	8		247
Rensselaer.....	23		

TABLE No. 4.

Showing crimes for which committed.

Crimes against property:	
Larceny.....	8
Grand larceny.....	48
Burglary.....	19
Burglary, first degree.....	7
Burglary, second degree.....	8
Burglary, third degree.....	29
Burglary and larceny.....	10
Petit larceny, second offense.....	12
Forgery.....	7
Forgery, third degree.....	4
Administering poison to cattle.....	1
	153

Against persons :

Murder.....	2
Murder, first degree.....	1
Murder, second degree.....	7
Manslaughter.....	1
Manslaughter, first degree.....	1
Manslaughter, second degree.....	1
Manslaughter, fourth degree.....	1
Felonious assault.....	6
Bigamy.....	7
Assault to kill.....	2
Assault with a sharp and dangerous weapon.....	3
Incest.....	2
Crime against nature.....	1

Rape and attempt to	2
Seduction.....	1
Assault to do bodily harm	2
Assault to rob	1
	<hr/>
	41
	<hr/>

Against persons and property :

Highway robbery	2
Robbery	7
Robbery, 1st degree	16
Arson	1
Arson, 3d degree	7
Larceny from person	9
False pretenses	3
Trespassing on railroad	1
Receiving stolen goods	4
Perjury	2
Obstructing railroad	1
	<hr/>
	53
	<hr/>

RECAPITULATION.

Crimes against property	153
Crimes against persons	41
Crimes against property and persons	53
	<hr/>
	247
	<hr/>

TABLE NO. 5.

Showing term of sentence.

One year.....	27
Between one and two years.....	13
Two years.....	30
Between two and three	20
Three years	25
Between three and four.....	7
Four years	20
Between four and five	11
Five years.....	36
Between five and six.....	1
Six years.....	5
Between six and seven.....	1
Seven years.....	9
Between seven and eight.....	2
Eight years.....	1
Nine years	1
Ten years	9
Twelve years	2
Fifteen years	5

Sixteen years.....	1
Eighteen years.....	1
Between eighteen and nineteen	3
Twenty years	6
Thirty-five years.....	1
Life	10

247

TABLE NO. 6.

Showing previous occupations.

Laborers	68	Nail cutter	1
Farmers	18	Teacher	1
Teamsters	1	Bricklayer	2
Blacksmiths	1	Bookbinder	1
Bookkeepers	4	Sexton	1
Tailors	4	Printers	2
Carpenters	8	Potter	1
Porters	2	Coopers	3
Bar-tenders... ..	4	Clock maker	1
Coachmen	2	Produce dealer	1
Stone cutters	5	Engineer	1
Boiler makers	1	Block maker	1
Cooks	2	Merchants	3
Gardeners	2	Firemen	4
Moulders	5	Waiters	3
Bakers	2	Barbers	5
Truckmen	1	Horse dealers	4
Butchers	4	Harness maker	1
Hostlers	2	Cabinet makers	3
Cigar makers	3	Civil engineer	1
Masons	2	Painters	12
Boatmen	2	Whaler	1
Weavers	2	Billiard expert	1
Lawyer	1	Machinists	3
Tinsmith	1	Patent maker	1
Railroad men	3	Sailor	1
Peddlers	2	Locksmith	1
Broom maker	1	Shirt maker	2
Clerks	3	Gas-fitter	1
Drivers	5	Coal heaver	1
Cutter	1	Salesman	1
Plane maker	1	Stove maker	1
Chair maker	1	Longshoremen	1
Basket maker	1	Teamster	1
Upholster	1	Lithographer	1
Plasterer	1	Expressman	2
Iron Worker	2	Dock builder	1
Spinner	1	Grocer	1
Book peddler	1	Curry comb maker	1
Mill hand	1		
Miller	1		

247

TABLE No. 7.

Showing whether idle or employed at arrest.

Employed.....	131
Idle	116
	<hr/>
	247
	<hr/>

TABLE No. 8.

Showing their color.

White	238
Colored	9
	<hr/>
	247
	<hr/>

TABLE No. 9.

Showing age when convicted.

Sixteen years of age.....	4	Forty-two years of age.....	6
Seventeen years of age.....	2	Forty-three years of age.....	2
Eighteen years of age.....	4	Forty-four years of age.....	5
Nineteen years of age.....	7	Forty-five years of age.....	6
Twenty years of age.....	12	Forty-six years of age.....	3
Twenty-one years of age.....	9	Forty-seven years of age.....	1
Twenty-two years of age.....	15	Forty-eight years of age.....	1
Twenty-three years of age.....	15	Forty-nine years of age.....	2
Twenty-four years of age.....	15	Fifty years of age.....	2
Twenty-five years of age.....	14	Fifty-one years of age.....	1
Twenty-six years of age.....	7	Fifty-three years of age.....	4
Twenty-seven years of age.....	11	Fifty-four years of age.....	1
Twenty-eight years of age.....	10	Fifty-five years of age.....	1
Twenty-nine years of age.....	7	Fifty-six years of age.....	2
Thirty years of age.....	5	Fifty-seven years of age.....	1
Thirty-one years of age.....	7	Fifty-nine years of age.....	2
Thirty-two years of age.....	10	Sixty years of age.....	1
Thirty-three years of age.....	4	Sixty-one years of age.....	1
Thirty-four years of age.....	1	Sixty-two years of age.....	1
Thirty-five years of age.....	6	Sixty-three years of age.....	1
Thirty-six years of age.....	8	Sixty-five years of age.....	1
Thirty-seven years of age.....	7	Sixty-six years of age.....	1
Thirty-eight years of age.....	6	Sixty-seven years of age.....	1
Thirty-nine years of age.....	3	Seventy-five years of age.....	1
Forty years of age.....	6		
Forty-one years of age.....	4		
			<hr/>
			247
			<hr/>

TABLE No. 10.

Showing nativity.

New York	140	Missouri.....	1
Connecticut.....	3	Texas	1
Vermont	2	France.....	3
Illinois	1	Ireland.....	27
Virginia	4	Canada	7
Pennsylvania.....	5	Germany	12
Massachusetts	7	England.....	10
New Jersey.....	4	Cuba	1
New Hampshire.....	2	Wales.....	1
Delaware	1	Poland.....	3
Rhode Island.....	1	Italy.....	1
Maryland	2	Prince Edward's Island.....	1
Louisiana.....	1	Prussia	2
Kentucky	1	Scotland.....	1
Maine.....	1		
North Carolina.....	1		<u>247</u>

Recapitulation.

Born in United States	178
Born in other countries.....	69
	<u>247</u>

TABLE No. 11.

Showing times committed.

First time	179
Second time	56
Third time.....	8
Fourth time	2
Fifth time.....	1
Sixth time	1
	<u>247</u>

TABLE No. 12.

Showing degree of education.

Read and write	208
Read and not write	12
No education	27
	<u>247</u>

TABLE No. 13.

Showing habits.

Temperate	72
Moderate.	115
Intemperate.....	60
	<u>247</u>

TABLE No. 14.

Convicts pardoned during the year.

NAMES.	County.	Date of conviction.	TERM.		Date of pardon.
			Years.	Mos.	
Walter Barber	St. Lawrence	April 24, 1874	7	.....	November 27, 1879
Dewey J. Boyce.....	Sullivan.....	September 10, 1877	4	.....	February 19, 1880
*John Carney.....	Clinton.....	June 17, 1879	2	.....	April 21, 1880

TABLE No. 15.

Convicts whose sentences have been commuted.

NAME.	County.	Date of conviction.	TERM.		Date of pardon.
			Years.	Mos.	
Anson Edridge	St. Lawrence	August 26, 1878	2	.....	November 24, 1876
George Van Dyck.....	St. Lawrence	April 6, 1877	5	.....	December 4, 1879
John Van Dyck.....	St. Lawrence	April 5, 1877	5	.....	December 4, 1879
Thomas Egan.....	Rensselaer.....	May 31, 1878	8	.....	December 10, 1879
Wm. J. Alken.....	New York.....	September 6, 1878	20	.....	December 13, 1879
Frederick Gates.....	Schenectady.....	March 1, 1875	Life.	.....	January 1, 1880
James O'Brien.....	New York.....	October 16, 1874	15	.....	January 15, 1880
James McGinn.....	New York.....	July 24, 1874	15	.....	January 23, 1880
George Buck.....	Washington.....	July 17, 1877	5	.....	May 18, 1880
Wm. Gill.....	New York.....	February 2, 1875	20	.....	June 3, 1880
Wm. Hess.....	New York.....	May 26, 1875	15	.....	June 10, 1880
Louis Laundry.....	Rensselaer.....	January 20, 1881	2	.....	July 19, 1880

TABLE No. 16.

Convicts who have died during the year.

NAME.	County.	Date of conviction.	TERM.		Date of death.
			Years.	Mos.	
William Hammond.....	New York.....	June 8, 1878	6	6	December 17, 1879
James Garrett.....	Rensselaer.....	December 3, 1879	Life.	.....	February 7, 1880
George Ellis.....	Oneida.....	December 24, 1879	18	.....	March 28, 1880
James Rogers.....	New York.....	June 2, 1879	2	6	May 28, 1880
John Graham.....	Ulster.....	April 19, 1877	5	.....	June 28, 1880
David Dillon.....	Montgomery.....	November 18, 1879	1	.....	July 26, 1880
James Duffy.....	New York.....	November 27, 1878	4	.....	August 2, 1880
Thomas Smith.....	New York.....	January 28, 1879	3	.....	August 20, 1880
John Buciner.....	New York.....	August 14, 1877	15	.....	August 21, 1880
Joseph Kelly.....	New York.....	March 30, 1880	3	.....	August 31, 1880

"On condition that if he was found intoxicated at any time prior to the expiration of the term for which he was sentenced, this pardon shall become void and inoperative, and he shall be returned to the prison and made to serve out his unexpired time."

TABLE No. 17.

Convicts transferred to asylum during the year.

NAME.	County.	Date of conviction.	TERM.		Date of transfer.
			Years.	Mos.	
George Webster.....	New York.....	February 28, 1876	10	.....	February 26, 1880
Warren Wood.....	Schenectady.....	September 14, 1878	6	7	February 26, 1880
Samuel A. McComb.....	Schenectady.....	January 9, 1880	2	6	February 26, 1880
Samuel Roberts.....	Erie.....	September 24, 1877	10	.....	May 17, 1880
Michael Cannon.....	New York.....	April 9, 1873	20	.....	May 17, 1880
James W. Wright.....	Orange.....	October 4, 1878	.....	.....	July 2, 1880
John Frederick.....	Albany.....	November 25, 1879	4	.....	July 2, 1880
Ernest Achenbrack.....	New York.....	March 25, 1880	2	6	July 2, 1880
Michael McKenna.....	New York.....	March 21, 1880	7	.....	August 9, 1880

TABLE No. 18.

Convicts discharged by expiration of sentence.

NAME.	County.	Date of conviction.	TERM.		Date of discharge.
			Years.	Mos.	
Robert Jackson.....	New York.....	August 12, 1875	5	.....	August 12, 1880
William Ahearn.....	Albany.....	October 21, 1874	5	.....	October 28, 1879
Robert Watson.....	New York.....	November 9, 1874	5	.....	March 3, 1880
* Leon Bressales.....	New York.....	March 26, 1877	3	.....	March 25, 1880

TABLE No. 19.

Convict granted a new trial by order of court.

NAME.	County.	Date of conviction.	TERM.		Date of entrance.
			Years.	Mos.	
Amenzo Fry.....	Fulton.....	January 21, 1879	5	.....	May 28, 1880

* Discharged and held under name of Leon Marty on another commitment.

PHYSICIAN'S REPORT.

HOSPITAL, CLINTON PRISON, }
October 1, 1880. }

Hon. L. D. PILSBURY, *Supt. of Prisons*:

Herewith I submit the annual report for the hospital department of this prison for the year ending September 30, 1880. The health of the convicts has been usually good; there has been no prevailing disease. There have been ten deaths during the year; of those, seven were drafted from other prisons and sick when received here, leaving only *three* deaths out of those originally sentenced to this prison. Nine have been transferred to the asylum for insane convicts. I think the majority, if not all of them, were insane when sentenced. For further information I would respectfully refer to the tables annexed as part of this report.

JOSEPH H. SMITH, M. D.,
Physician to Clinton Prison.

TABLE NO. 1.
Out-hospital report.

MONTHS.	Number of appli- cations.	Number of prescrip- tions.	Not pre- scribed for.	Excused for one day each.
1879, October	994	927	67	189
November	1,020	983	37	186
December	862	813	49	53
1880, January	907	866	41	59
February	852	802	50	91
March	845	811	34	91
April	964	923	41	124
May	1,178	1,134	44	62
June	543	477	66	32
July	586	419	167	51
August	734	657	77	97
September	496	404	92	40
Totals	9,981	9,216	765	1,075

TABLE No. 2

In-hospital report.

MONTHS.	In hospital, first day of each month.	Admitted.	Discharged.	Died.	Sent to asylum.	Days lost in hospital.
1879, October	30	5	6	....	....	908
November	29	2	3	....	....	828
December.....	28	4	3	1	....	891
1880, January	28	2	4	....	....	836
February	26	2	....	1	1	762
March....	26	2	3	1	....	795
April.....	24	3	5	....	....	649
May.....	22	17	5	1	2	919
June.....	32	1	8	1	....	844
July	24	9	4	1	3	900
August.....	28	9	5	4	1	750
September	25	3	1	....	...	766
Totals .....	.. .	59	47	10	7	9,848

TABLE No. 3.
Detail of deaths, 1879 and 1880.

NAME.	Color.	Age.	Nativity.	Previous habits.	When sentenced.	Crime.	Term.		Disease.	Date of death.
							Years.	Mos.		
Wm. Hammond.....	W	63	Ireland.....	Moderate.....	June 8, 1876	Larceny.....	6	6	Paralysis.....	December 17, 1879
James Garritt.....	W	57	England.....	Moderate.....	December 3, 1879	Murder.....	Life.	.....	Disease of heart.....	February 7, 1880
George Ellis.....	W	33	Pennsylvania..	Moderate.....	December 24, 1875	Burglary.....	13	.....	Phthisis.....	March 28, 1880
James Rogers.....	W	27	Pennsylvania..	Moderate.....	June 2, 1879	Burglary.....	2	6	Phthisis.....	May 28, 1880
John Graham.....	B	24	New York.....	Temperate.....	April 19, 1877	Attempt to rape.	5	.....	Phthisis.....	June 28, 1880
Daniel Dillon.....	W	20	Illinois.....	Moderate.....	November 19, 1879	Assault.....	1	.....	Phthisis.....	July 28, 1880
Daniel Driscoll.....	W	27	New York.....	Moderate.....	November 27, 1878	Robbery.....	4	.....	Phthisis.....	August 1, 1880
Thomas Smith.....	W	36	New York.....	Moderate.....	January 27, 1879	Burglary.....	4	.....	Phthisis.....	August 20, 1880
John Kelly.....	W	28	New York.....	Intemperate..	August 14, 1877	Larceny.....	15	.....	Dropsy.....	August 21, 1880
Joseph Kelly.....	W	29	Ireland.....	Moderate.....	March 30, 1880	Petit larceny f. person...	3	.....	Disease of heart.....	August 31, 1880

TABLE No. 4.
Transferred to insane asylum.

NAME.	Color.	Age.	Previous habits.	Previous health.	Nativity.	Term of sentence.		Date of sentence.	Crime.	Date of transfer.
						Years.	Mos.			
Marvin Wood.....	W	.....	.....	.....	.....	.....	.....	.....	.....	.....
S. A. McComb.....	W	.....	.....	.....	.....	.....	.....	.....	.....	.....
George Webster.....	W	.....	.....	.....	.....	.....	.....	.....	.....	.....
Samuel Roberts.....	W	.....	.....	.....	.....	.....	.....	.....	.....	.....
Michael Cannon.....	W	26	Intemperate.	Poor.	England.	10	.....	September 24, 1877	P. L. f. P.	May, 1880
E. Aschenbach.....	W	25	Moderate.	Fair.	New York.	20	.....	April 9, 1873	Robbery.	.....
Joseph W. Wright.....	W	32	Intemperate.	Poor.	Germany.	2	.....	March 28, 1880	Burglary, 3d deg.	July 2, 1880
John Frederick.....	W	24	Intemperate.	Poor.	Ohio.	10	.....	October -4, 1878	Grand larceny.	July 2, 1880
Michael McKenna.....	W	52	()	Fair.	New York.	4	.....	November 24, 1879	Violent assault.	July 2, 1880
.....	W	36	Moderate.	Poor.	Ireland.	7	.....	March 21, 1878	Burglary, 2d deg.	August 9, 1880

Joseph H. Smith, M. D., being duly sworn, says that the foregoing report is true according to the best of his knowledge and belief.

Subscribed and sworn before me, }
this 3d day of December, 1880.

G. F. WATSON, Clerk.

JOSEPH H. SMITH, M. D.,
Physician to Clinton Prison.

CHAPLAIN'S REPORT.

To the Hon. LOUIS D. PILSBURY,

Superintendent of State Prisons :

DEAR SIR.—I have the honor to submit herewith my report for the fiscal year ending September 30, 1880.

I assumed position here as chaplain by your appointment, May 1st, 1880. The preceding balance of the fiscal year was covered by the administration of my predecessor, Rev. I. McIlwaine.

Since then, I have discharged the duties of the position with the fidelity and ability of which I was capable.

I have held service in chapel, the second, third and fourth Sabbaths of every month ; the first being occupied by Rev. Father McGowin, who holds a Catholic service on that day.

Finding this the established order of services when I resumed position, it has not been changed. The convicts are mostly in attendance, and I am happy to say are very quiet and attentive listeners. No audience can be more so.

I have introduced new hymn books into our choir, and with good effect. They are the "Gospel Hymns." I meet the choir every Sabbath afternoon, and select and rehearse the hymns and music for the next Sabbath. It has had the effect to improve greatly their musical execution and is appreciated by all.

I visit the hospital every other day regularly, also on all special occasions ; converse with and counsel the sick and the dying. When death occurs, after a suitable time, if friends do not make a claim, the corpse is taken to the chapel, and, after a brief funeral service, it is conveyed to and interred in the prison cemetery. The rite of Christian burial is awarded to all. Seven deaths have occurred, which is more than usual for the time, but they were nearly or quite all drafted from Sing Sing, and too far gone with disease to be reached by medical treatment or be arrested and restored by the healthfulness of the climate.

It is my custom to spend my evenings in the hall, passing through the corridors from cell to cell. I find the inmates, as a general rule, receive my visits with cordiality, and engage in conversation very freely. It relieves the monotony and loneliness they would otherwise feel, and they seem to receive with consideration the counsel and advice I give them.

Our library comprises some 1,300 volumes ; 1,100 of which are in a fair condition of preservation. The 200 volumes remaining are a good deal impaired.

To keep our library in a readable and useful condition, we shall need at least an appropriation of some \$500 from our Legislature next winter.

I embrace this opportunity particularly to say, in conclusion, it has been my good fortune and great pleasure to be associated with a corps of officers kind, gentlemanly and obliging, having very cheerfully granted every facility in their power to aid me in the discharge of my official duties.

All of which is respectfully submitted.

C. RANSOM,
Chaplain.

NEW YORK STATE ASYLUM FOR INSANE CRIMINALS.

HON. LOUIS D. PILSBURY,

Superintendent of State Prisons :

SIR— I have the honor to submit the following report of the condition of the New York State Asylum for Insane Criminals, for the year ending September 30, 1880.

The movements of the population of the asylum during the year were as follows :

	Men.	Women.	Total.
Number of patients present October 1, 1879.....	124	11	135
Number of patients admitted during the year.....	45	..	45
Total.....	169	11	180
Whole number treated during the year.....			180
Discharged during the year.....			31
Remaining September 30, 1880.....			149

Daily average under treatment during the year, 142½.

Condition of those discharged :

	Men.	Women.	Total.
Recovered	14	..	14
Improved	2	..	2
Unimproved.....	3	..	3
Not insane	8	..	8
Died.....	4	..	4
Total.....	31	..	31

Of those admitted during the year there were :

Unconvicted by order of court from Kings county.....	1
“ “ “ “ “ “ Cattaragus county.....	1
“ “ “ “ “ “ Jefferson county.....	1
“ “ “ “ “ “ Monroe county.....	1
“ “ “ “ “ “ Albany county.....	1
“ “ “ “ “ “ Poughkeepsie asylum	1
Total.....	6

Convicted but not sentenced, by order of the court from Kings Co.	1	
Convicts undergoing sentence:		
Transferred from Monroe county penitentiary	2	
“ “ Onondaga county penitentiary	2	
“ “ Elmira reformatory		4
“ “ Sing Sing State prison	7	3
“ “ Clinton “ “	9	
“ “ Auburn “ “	15	
		<hr/>
		31
Total		<hr/>
		39

Of those discharged during the year there were:

Recovered and liberated on expiration of sentence	8	
“ “ transferred to Auburn prison	5	
“ “ “ “ Kings county penitentiary	1	
		<hr/>
		14
Not insane “ “ “ Auburn prison	6	
Liberated on expiration of sentence after second transfer from Auburn prison	1	
Eloped	1	
		<hr/>
		8
Improved and transferred to the custody of friends on bond		2
Unimproved and transferred to county superintendent of poor	2	
Eloped	1	
		<hr/>
		3
Died from pulmonary consumption	1	
“ from acute peritonitis, complicated with diabetes mellitus	1	
Died from acute pleurisy, complicated with atheroma of heart, aorta and other vessels	1	
Died from acute meningitis	1	
		<hr/>
		4

Of those who died, one was an old man, demented and who had been in the asylum for twenty years. The other three were chronic maniacs. For pathological details of these cases, I refer to the *post mortem* table accompanying this report.

The general health of the inmates during the year has been good. The amount of illness other than insanity has been small and not severe in character.

The death-rate for the year has been, for the whole number treated, $2\frac{1}{10}$ per cent; for the average number treated, $2\frac{2}{10}$ per cent, being about one-third the usual rate in insane asylums.

The receipts and expenditures for the year have been as follow:

To balance unexpended from 1879	\$38 75
To receipts for support of patients	10,027 91
To receipts from sundry sales	133 60
To amount drawn from State treasury	25,976 87
	<hr/>
Total	\$36,177 13

By paid into State treasury, receipts for support of patients.....	\$10,027 91
By paid into State treasury from sundry sales.....	133 60
By paid into State treasury, error in account.....	3 75
By expended for support.....	26,011 73
By balance to new account.....	14
Total.....	<u>\$36,177 13</u>

The *per capita* yearly cost for past year has been \$182.85.9. The average *per capita* yearly cost for twenty-two years has been \$246.44.7, and the cost for the year previous, \$187.73.1. The cost this year for each patient has been \$4.87.2 less than the year previous, and \$63.58.8 less than the average annual cost. That this reduction of cost has not been obtained by unduly stinting the patients in food or clothing, and notwithstanding the increased cost of supplies for the past year, is evinced by the diminished death list this year, it being four to an average population of 142 $\frac{1}{2}$ this year, and six to an average population of 126 $\frac{1}{2}$ last year. The actual cost to the State of the support of the asylum for the year has been \$15,850.23.

It will be observed that a large number of those sent to the asylum the past year from the State prisons were not insane, viz.: over one-quarter of the whole number sent, and that Auburn and Clinton prisons, with only one-half of the aggregate State prison population, have sent twenty-four to the asylum, while Sing Sing, with the other half, has sent only seven. But upon examination, it is found that a considerable number of those sent from the two former prisons had been transferred to them from Sing Sing. Accrediting to each prison those originally sentenced to them, and deducting in similar manner those not insane, the number would stand: Auburn prison, population 900, insane 7; Clinton prison, population 500, insane 4; Sing Sing prison, population 1,500, insane 12, or about eight-tenths of one per cent of each of their populations. This yearly product of insanity from these prisons is enormously in excess of the occurrence of the *disease* in the ordinary population of the State, the past year only about equaling the rate at which insane have been sent to the asylum from these prisons for several previous years. To obtain a fair comparison it is necessary to take the whole number of insane derived from these prisons present at this asylum on September 30, 1880, and the population of the prisons on that day, and compare the percentage of these insane of this population, with the nearest probable number of insane from that part of the population of the State, of the same ages and sex on that day. The female insane at this asylum from Sing Sing State prison should be excluded, because none were authorized by law to be sent here till after 1871, and female criminals were excluded from the State prison after 1877. The number of male insane at this asylum, sent from the State prisons, on the 30th of September, 1880, was 93, the probable prison population 2,900, a percentage of three and one-fifth. Estimating the male population of the State on the 30th of September at 2,500,000, and deducting the usual ratio for age less than fifteen (the prison range of age), viz.: 864,000, we had prob-

ably in the State on that day, 1,636,000 males above the age of fifteen. Now three and one-fifth per cent of this number is 51,000, a number ten times as great as the usual estimate based upon the best information at present to be obtained for that part of the population of the State. The proportion doubtless will hold good, though an accurate enumeration of the insane in the State be made, and it be found thereby that the estimate for the State is at too low a number. For, as regards the insane in the State, nothing diminishes their number but recovery or death, while in this asylum unrecovered patients have many of them been discharged on expiration of their sentences as provided by law. This startling fact that ten times as many convicts become insane in our State prisons as do the people of the State of the same sex and age demands a careful examination as to its causes. So far as my acquaintance with the conditions of penal life in our State prisons extends, I will endeavor to point out some of these causes. During my third term of service as physician to the Auburn prison, viz.: from 1869 to 1873 (the first term having been in 1843), I made a study of some of the influences connected with this subject, the result of which is given in part in my annual report for the year ending September 30, 1872. The effect of life and other long sentences in developing insanity is there considered and stated in percentages as between these and short sentences, the result of the comparison showing the percentage of insanity steadily increasing with increased length of sentence. In a matter of so much interest, I deem it proper to repeat and extend this calculation here.

There are in this asylum 17 patients with life sentences who have been sent here from the State prisons; there are about 122 life convicts in these prisons. Our whole male insane population derived from these prisons is 93. The whole population of these prisons is about 2,900. The life sentence insane are a little over fourteen per cent of these life convicts, and are a little over eighteen and one-quarter per cent of the whole prison insane; while the life convicts constitute but four and one-fifth per cent of the prison population. The number of convicts in these prisons whose sentences exceed ten years is about 447; the corresponding number of insane at this asylum is 22, which is a percentage of nearly five of these 447, and of twenty-three and two-thirds of our convict insane; and these 447 are over fifteen and one-half per cent of the prison population. The number of convicts whose sentences are from five to ten years is 886; their insane are thirty-two per cent of the whole number of insane, and three and four-tenths per cent of themselves, and they are thirty and one-half per cent of the prison population, while the insane whose sentences are less than five years constitute twenty-six and one-twelfth per cent of the whole number of insane, and are but one and four-tenths per cent of those having such sentences who are a little less than fifty per cent of the whole prison population. In short, about one-half of the prison population, with five years and less sentences, contribute but twenty-six and one-twelfth per cent of the insane; while the life and other long sentence men contribute seventy-three and eleven-twelfths per cent of the insane, and the ratio of insanity uniformly increases with increase of length of sentence. This is in part due to, or connected with, length of detention in the prisons before insanity manifests itself, but not wholly, for in the long-sentence men insanity

develops itself in the first and second year of detention, though not to the same extent in proportion to numbers as in the short sentence men. There is a further element to be considered in analyzing these facts and that is, that in those cases where the convict is transmitted to the asylum within a few weeks of his being sent to the prison, the greater part of such cases were insane when received there, and among those who are sent to the asylum after very long detention at the prisons some have been harmlessly demented for a long time in the prisons before transfer to the asylum, as their condition and history show on their reception at the asylum. As to indications connected with the classes of crimes committed, while it is a fact that insanity is greatly more prevalent in connection with crimes against persons than in connection with crimes against property, yet in discussing the particular point under consideration, viz., the effect of long sentences merely, this consideration of the character of the crime only in part applies for crimes against persons who receive by far the longest sentences. I am satisfied that depression and despair, arising from contemplation of long future deprivation of liberty and fear of dying before termination of sentence, act directly in developing insanity in the prisons.

It is well known that the causes of insanity usually given in statistical tables are very unsatisfactory, as often substituting results of the condition or symptoms of the disease for causes of it, and very largely contain the exciting causes only of a constitutional predisposition. In examining the question of the reason for the extraordinary prevalence of insanity in our State prisons it is necessary to go deeper than to ascribe it to causes which must, if they were the real causes, evince their effect in producing other diseases than insanity. An examination of the vital statistics of the prisons shows that, aside from the diseases the convicts bring into the prisons with them, the health of these prisons is remarkably good and the death list small, which would not be the case if the disciplinary administration was inappropriately severe or their inmates deprived of suitable food and clothing, etc. It is a fair inference then that convicts bring into the prisons an unusual predisposition to insanity and that long sentences are among the exciting causes in developing it. This brings us to the conclusion that the criminal diathesis, particularly that inducing to crimes against the person, is associated with the insane diathesis; that they are congeners to a manifest extent, a fact generally believed to be true, but one which statistically is yet under examination. Given a criminal diathesis, add to it alcoholism, and syphilis, and you have the history of a large number of convict insane. But this, while a subject of great interest and directly connected with the administration of our State prison system, of which this asylum constitutes a part, requires further careful and accurate study and more space than an ordinary annual administrative report permits. At some future time and to those members of my profession more especially engaged in the care and treatment of the insane, I may more appropriately perhaps give the result of such study.

The year has been characterized by a number of elopements, two of which have been so far permanently successful as not to be as yet recaptured. While I recognize fully my duty to do all in my power to retain these patients here because they are committed to my custody

as criminals also, yet it is a risk I must take of their liability to escape if I give them the treatment as patients their disease demands at my hands. Vigilance in place of undue restraint is especially the rule necessary here. The risk I run in regard to escapes arises mainly from the incapacity, negligence or treachery of attendants, and requires especially watching of the watchers. It is my intention to keep these criminals here till discharged by due process of law, but to keep them here as patients so far as it is in anywise possible.

It has given me much anxiety how to provide for a great need in this asylum, and that is interesting occupation for its inmates. The small amount of land connected with the institution and its location in the midst of the city of Auburn, exposing the men at work in the garden outside of the walls to interference from ill-disposed persons and facilitating their escape, limit the beneficial employment of the inmates much more than I could wish; and the construction of the buildings and lack of funds prevent resort to the usual asylum amusements. I have, therefore, thought of introducing some such employment as willow basket making. This requires but one tool and is easily watched, and the room used for a chapel could on week days be used for the work-room. The sale of the manufactured articles would more than cover the outlay for materials. There are some few basket willows growing on the premises by the Owasco margin, which could be conveniently increased. While more or less amusement is very advantageous to relieve the irksomeness of asylum confinement and to interest the patients in something other than their own delusions, yet for the criminal insane useful occupation is as a rule a better appliance than mere amusement, in all those cases which admit of its employment. The patients in this asylum are of two peculiar classes. One is that of convicts who have become insane while undergoing imprisonment for their crimes, and the other that of persons who have not been tried for crime or not convicted of it on account of insanity. It seems a paradox to sentence a person to the custody of a criminal institution when innocent of crime because of not being responsible for its commission or of not being in a fit condition to be tried, and when recovery restores the responsibility to liberate him without trial. One of my female patients has produced several well-argued memorials to congress to abolish this, as she claims it to be, *ex post facto* law. The matter of providing for the security of the community against the dangerous acts of the insane is a difficult one. The feelings of the people are disturbed and the welfare of the insane injured by introducing the criminal insane into an ordinary asylum, while on the other hand it appears to be unjust to condemn them unconvicted to detention in a convict asylum. There is also difficulty in regard to the discharge of such persons upon recovery. Being unconvicted their natural right to liberty revives upon recovery from their insanity. But how decide the question of recovery and of the safety of liberating them, even though recovered, when it is so well known that a return to the conditions of living in which their insanity occurred would be very likely to occasion its recurrence. It is pretty well settled too that no brain which has once had its functions perverted to insanity ever after recovers a full normal power of resistance to the disease. It seems, however, that the laws of this State place this matter for determination in the best position possible for

all concerned, viz., where the rights of all the people are placed, in the courts. It is in the discretion of the court to send such persons, as by vicious character would be improperly associated with the ordinary insane, to the criminal asylum in the first instance, and in case of recovery, it is still the court which is to determine if it is "safe, legal and right" to liberate them. The constitutional right to a trial by a jury before a citizen can be deprived of his liberty is, by the necessity of the case of insanity, abrogated, because the disease from which he suffers in itself abrogates it. But in a matter of such importance and delicacy, this great natural right should receive, as it does by our law, the protection and adjudication of a court. In regard to the liberation of a criminal, unconvicted by reason of insanity, upon recovery from the disease the law provides that the superintendent of the asylum in which he is held shall report the fact to the State commissioner in lunacy, and if upon investigation he is satisfied that the criminal lunatic "is restored to his right mind," the said commissioner is to present him to a justice of the supreme court in the district in which the recovered lunatic is held in detention, and the said justice is to decide if it is "safe, legal and right" to discharge him therefrom. While the law thus provides a method by which a recovered insane criminal may obtain a decision of the court as to his discharge, I do not understand that it precludes his resort to a writ of *habeas corpus* to obtain such decision in case the superintendent does not report him to the commissioner in lunacy, or the commissioner in lunacy does not present his case to the judge. In the first instance of alleged insanity, responsibility and rights are presumed to exist till proved legally to have ceased. In the second, this cessation is presumed to continue till legally proved to have been restored. But it is only too evident that to nothing other than the jurisdiction of the courts of justice can these questions be committed which so nearly concern the personal rights and liberty of the citizen on the one hand and the safety of the community on the other.

On the subject of restraint in this institution, I accord fully with my predecessor, Dr. MacDonald. The employment of restraint was greatly reduced by him by the substitution of employment for seclusion and carefully adapting the treatment to the patient's condition. I have not permitted my attendants to resort to personal struggles with, or personal violence toward my patients, nor have I found it necessary to resort to much restraint of a mechanical character, which besides I have not allowed to be applied except under the immediate direction and presence of my assistant physician or myself. I am happy to state that for the past year there have been but three cases of mechanical restraint in the institution, viz., one with the muff and two with the camisole, and that seclusion in a few instances has been all the additional restraint which it has been found necessary to resort to, and that no accidents have occurred here. The destruction of articles has been moderate in quantity, and the filthy have been kept clean in person and room.

Nine thousand seven hundred and forty-four days' work have been done by the patients during the year in the kitchen, laundry, bakery, sewing-room, about the barn and stables, carpenter and blacksmith shop, in the garden and grounds and in the dining-room and wards.

The amusements have consisted of ball playing in the airing courts and games upon the halls. Newspapers and books have been as largely read by the patients as our small supply permitted. The wards have been constantly supplied with plants in leaf and flower from the greenhouse during the whole year. Religious services have been regularly held on Sundays during the year by the Rev. Mr. Searls, chaplain of the Auburn prison. He has succeeded admirably in enlisting the interest of the patients who have conducted themselves attentively and decorously, and joined in the singing led by him and assisted by Miss Bowen on a parlor organ and Miss Young with her voice.

IMPROVEMENTS.

The third ward renovation has been finished by completing the ceiling with matched pine, laying a new floor in the corridor and in the transept rooms, fitting new base-boards and dressing these with wood preservative, painting the window frames and casings, the walls of the corridors, the rooms enlivened with stenciling and painted and the radiators guarded with new screens of a design and work by Henry King, one of the patients. This is now one of the most cheerful and bright wards in the house, having been one of the most uncleanly and unsightly. It well repays the cost of its renovation, which has been completed within the special appropriations therefor.

The new iron stairway and fire escape for the second ward has been completed, the stone and brick building to contain it constructed, the old wooden stairway in the center of the east side of the main building removed and the partitions, including some heavy detached brick wall, resting upon joists, removed. This brickwork was in a dangerous condition, the timbers supporting it having begun to give way. Three grated windows were removed from the ward and basement walls and placed in the new structure, and new doors for access from the first and second ward to the iron stairway constructed. The floors in the main-building, where the stairway previously was, have been newly laid with ash; the rear of the front reception-room, on the first floor, which was disturbed by these changes, has been repaired by removing a mass of unsightly and useless woodwork, filled with vermin and dirt; the floor repaired and the room newly papered. On the second floor the space occupied by the stairway has been converted into a bath-room, clothes-closet, and convenient passageway thereto; the rear room, also disturbed by the change, has been plastered and papered; all the woodwork in the new rooms, thoroughly painted and the walls also painted. The convenience and safety secured by this improvement have greatly more than repaid the cost, which has exceeded the appropriation therefor only twenty dollars, notwithstanding the amount of the work and material required to accomplish it was much greater than anticipated. The appropriation for covering in the outside stairway to the west wing, to provide for its use in stormy and wintry weather, has been expended for the purpose for which it was made, and a convenient and unexposed access thus obtained from the new wards to the basement corridor and patients' kitchen, and also an access to the attics and roofs of that wing. A steam engine of eight horse-power with pump attached, for filling the boilers, with an inclosed room in the boiler-house for the engine and

pump, have been finished and so arranged that the power can be applied to a washing machine and to the carpenter shop, should the obtaining the one and fitting up of the other be authorized by future appropriations. An appropriation of \$300 was made in 1878 for a washing machine, and drawn from the State treasury by my predecessor; but it was found that such a machine would cost \$400, and, consequently, none was obtained, and but \$110.50 was turned over to me on my entering upon the superintendency which could be applied to this purpose, unless it was taken from the unexpended appropriations for other purposes, all of which were needed for completing the work already commenced or for accomplishing the objects for which they were appropriated, and for which they were sufficient. A new garden fence has been made for the garden lot on Washington street, within the appropriation made for it. The wash-house ceiling has been repaired with a matched ash ceiling, but the floor has not been relaid and the appropriation therefor has been retained, for the reason that the sewage-drain, which runs under the floor, is in such bad condition as to require a thorough replacement—to lay the floor before that is done would be a waste of the money. In regard to the matter of replacing this drain, together with the steam pipes which accompany it, I respectfully refer to the head of "Wants" in this report. The small appropriation for rebuilding the greenhouse has been expended in buying and fitting lumber therefor. But the old building being constructed in curved lines, instead of straight ones, is in a hopeless state of decay. It is also badly located, and the heating apparatus is so thoroughly used up that I have thought that it would be mere waste to use the materials obtained upon it. They are therefore stored, awaiting the pleasure of the legislature to grant enough additional to construct a new, properly shaped and located building, for which these fittings can be used, rather than throw them away on the old one. Nearly all the material being on hand, an iron railing with balusters has been made and placed to the front steps, descending to the basement hall, by one of the patients. One of the abandoned steam kettles has been fitted up in a separate room off the blacksmith shop, and next the boiler-house, for steaming roots raised in our garden for the winter feed of the cows. A cheap but sufficient shelter, handy of access, has been constructed for the fire-hose and cart, where the hose is now kept in order, for instant use if occasion calls for it. The old apothecary shop, on the second floor of the rear extension, has been divided by a partition, one part of it, with separate doorway into the hall, fitted for a dead-room, and the remainder for a sleeping apartment for two laundresses; in the same extension a long step-ladder, which was hinged to a trap-door in the ceiling of the hallway, and raised and lowered by ropes and pulleys, has been removed, the ceiling and attic floor finished up, and a stairway constructed to that attic over the one that descends to the basement from that hallway. These improvements bring into convenient use and at very small cost, out of the ordinary repairs, premises very much needed, which before were pretty much waste room. The grounds have been improved by thinning out the too numerous shade trees and turfing over the various unsightly walks, substituting sunlight, grass and flowers for ash walks and gloomy shade.

Our crop of fall and summer apples, proving to be greater than was needed for use at the time, has been dried for winter use. The garden has furnished a good supply of vegetables, berries, melons and grapes for the use of the patients during the summer and fall.

WANTS.

Coal cellar.—I renew the application made by my predecessor for a special appropriation for the construction of a coal cellar for the storage of the coal used in the boiler-room. The end of the wood-house, in which it is piled, is distant from the place where it is used, necessitating a great deal of constant labor to wheel it there, and in wet and snowy weather also, and the sides of the wood-house have to be shored up with timbers on the outside to prevent the weight of coal from bursting them out. A competent cellar can be prepared, joining on to the south end of the coal arch of the boiler-house, at a moderate expense, and the wood-house moved to cover it.

Carpenter shop, fitting up.—If the part of the wood-house now occupied by coal should be fitted up as a carpenter shop, in that location the power from the new engine can be conveniently and cheaply introduced into it, and the whole expense for coal cellar and carpenter shop not exceed \$1,100.

City water-works, connection with.—The former application for an appropriation of a small amount for connecting the city water-works with the asylum is again renewed for the reasons given.

New sewage pipes and draining — steam connections.—The condition of the sewage conduits in the basement of the asylum buildings and the rear extension is dangerous to the health of the institution. These conduits are constructed of stone and brick and are leaky; infested with rats which have made openings in their walls; and for all that portion of them which traverses the extension and center buildings the steam pipes rest in an excavation on the top of these conduits and the gases of fermentation and exhalation in the sewers and their saturated earthy surroundings, increased and intensified by the heat from the steam pipes, follow these steam pipes into the air chambers for warming the center building. Fortunately, in this state of affairs, the wards are warmed by direct radiation; but their ventilating air is supplied from the basement areas, the air of which is more or less contaminated by exhalations, wherever these faulty conduits traverse them. This is remedied, as far as possible, by keeping the doors and windows of these areas open, but in severe weather this is not practicable. These old sewers and drains should all be taken up, together with all the saturated earth about them wherever they are within the walls, sealed four-inch pipes substituted, the excavations filled with coal ashes, and the steam pipes conducted along the basement ceilings, instead of in earth excavations. The simple statement of the condition is sufficient to show the imperative necessity for its remedy.

The structure and coping of the west and south walls of the inclosure greatly need repair. The walls were never pointed; in several places sewers and drains pass through their foundations, and the rains have undermined them at these places; the mortar has fallen out and been

picked out by the English sparrows from these walls in their whole extent, and they are vast hiving places for these birds, which swarm in them. The coping is largely of artificial stone, which has become damaged in the weather, and the rains are admitted into the walls in many places; and if they are not soon repaired and pointed much of them will have to be rebuilt at great expense. The north-west part of the wall for several rods adjoins private property. It is very low at that point; a private house stands within three feet of the wall; an outside stairway open to the public street has been put between the wall and this building leading up to its second floor which, at about two-thirds of its ascent, gives an easy landing upon the top of the wall and an equally easy access to the asylum premises to all such evil-disposed persons in the surrounding city as may desire or be induced to communicate with the patients, to enable them to escape, or otherwise interfere with the proper administration of the institution. I have good reason to believe that steel saws and files have, in the past year, been thus furnished some of the patients. There is a portion of the asylum garden outside of the walls which projects westward from the west line of the garden and extends to Washington street. It is not of much value to the asylum for garden purposes, and is well located for a city lot. If an exchange of this lot could be negotiated with the owner of the Wall street premises which adjoin our wall as above described for those premises and the difference in value paid by the State it would be a more economical and curative method of relieving the difficulty, than it would be to raise the asylum wall at that point. The expense of raising the wall and its unsightly appearance, together with the hostility of the owner of the property, whose east windows would thereby be darkened and he doubtless excited to erect other disturbing structures along his line and against the asylum wall, it seems to me make the raising of the wall an undesirable and unsatisfactory undertaking. My own opinion is that if the legislature does not see fit to acquire the property concerned, it is not advisable to raise the wall. The windows of the fifth ward, which open on the west airing court, should be guarded with shutters and screens to prevent the passing through them of implements by the working patients to the dangerous patients when they are in the court, or of matches by which the wards might be set on fire.

In speaking of the expenditure of the special appropriation for rebuilding the greenhouse, I have given the reasons for not proceeding with it as originally proposed. The greenhouse has been of great advantage; our patients having but little of the ordinary amusements provided for asylum inmates, and a considerable part of them being obliged to spend the winters on the wards, the plants and flowers from the greenhouse have been a great relief to the irksomeness of their long confinement and a means of their improvement. These have been exclusively used for stocking the patients' wards and supplying plants for the grounds in summer, and I hope sincerely that a sufficient sum will be granted to replace the decayed old structure with a new one. I renew the application of my predecessor for the usual grant of one hundred dollars for rebinding library books and procuring a small addition to the library. The charity of a few individuals has given us some pictures to adorn the corridors of the wards and enlist

the interest of our patients; and I trust the good will of the legislature will continue to afford the flowers and books to alleviate and improve their condition.

My predecessor, Dr. MacDonald, in his last report recommended that an appropriation be made for furniture, table ware, etc., for the superintendent's apartments, and said that "having personally supplied the apartments of the superintendent with a considerable portion of the furniture they contain, its removal therefrom will leave some of them scantily furnished." So I found them — a parlor and bed-room literally bare and the table lacking in articles necessary for ordinary use. I have furnished personally these deficiencies, but the wear and breakage must ere long necessitate their replacement. The part supply by the State makes it very unpleasant to a departing superintendent to remove his own property, lest he might be suspected by his successor of removing articles which had been furnished by the State. I therefore repeat the recommendation.

The following abstract of these recommendations gives the amounts deemed necessary to effect them; careful estimates having been made in each item:

For coal cellar and carpenter shop.....	\$1,100 00
Connections for water supply.....	200 00
Iron sewage pipes and change of steam pipes.....	1,200 00
Repair of west and south walls.....	500 00
Rebuilding greenhouse.....	750 00
Library.....	100 00
For furnishing superintendent's apartments.....	500 00
Total.....	<u>\$4,350 00</u>

With the steady increase of our population, it is evident that the annual appropriation for the ordinary support of the institution must be as great for the year commencing October 1, 1881, as it has been made for the year preceding that date, viz.: \$30,000, and I therefore respectfully ask that it be made at that amount.

The improvement of business and enhancement of wages for labor, both skilled and unskilled, which took place during the past year, occasioned the resignation of several of the most trustworthy and valuable of the asylum employees. A few changes also have been made for negligence of duty and breach of regulations.

The asylum has been visited and inspected several times during the year by Hon. John Ordronaux, commissioner in lunacy, and all such cases among the patients as the laws make it his duty to determine have been thoroughly examined and considered and satisfactorily disposed of.

The assistant physician and clerk, Dr. William A. Gorton, I have found to be competent and efficient for all the duties of his position.

For your courtesy and confidence in all our official and personal relations, I beg to present my grateful acknowledgments.

It was with not a little misgiving that I undertook the responsibility of the superintendency of this institution upon receiving the appointment at your hands. It came to me upon the resignation of Dr. C. F.

MacDonald, who had given a character and reputation to its administration which it would be difficult to equal. It has been my earnest endeavor to maintain and carry forward this standard of excellence.

AUBURN, N. Y., *October 1, 1880.*

THEODORE DIMON,
Superintendent.

TABLE No. 1.

Showing the general statistics of the asylum from its opening, February 2, 1859, to October 1, 1880.

Total number admitted.....	574
Total number discharged.....	425
Total number discharged recovered.....	143
Total number discharged improved.....	64
Total number discharged unimproved.....	99
Total number discharged not insane.....	46
Total number died ..	67
Total number discharged (prior to April, 1876), dates and condition not recorded	6

TABLE No. 2.

Showing the ages of those admitted and of those discharged recovered since the opening of the asylum, February 2, 1859.

YEARS.	ADMITTED.			DISCHARGED RECOVERED.		
	Men.	Women.	Total.	Men.	Women.	Total.
From ten to twenty	27	2	29	3	.....	3
From twenty to thirty.....	264	15	279	80	4	84
From thirty to forty.....	133	6	139	28	1	29
From forty to fifty.....	64	5	69	13	.....	13
From fifty to sixty.....	33	1	34	5	1	6
From sixty to seventy.....	9	.....	9	2	.....	2
From seventy to eighty...	1	.....	1	.....	.....	.....
From eighty to ninety. . .	1	.....	1	.....	.....	.....
Unascertained.....	13	.....	13	6	.....	6
Total.....	545	29	574	137	6	143

TABLE No. 3.

Showing the civil condition of those admitted during the year ending September 30, 1880, and since the opening of the asylum February 2, 1859.

CIVIL CONDITION.	DURING THE YEAR.			SINCE THE OPENING.		
	Men.	Women.	Total.	Men.	Women.	Total.
Married	14	.....	14	160	13	173
Single	31	.....	31	321	13	374
Unascertained .....	.....	.....	...	24	3	27
Total.....	45	.....	45	545	29	574

TABLE No. 4.

Showing the nativity of those admitted during the year ending September 30, 1880, and since the opening of the asylum, February 2, 1859.

During the year.

Bavaria	1	Italy	1
Connecticut	1	Massachusetts	3
Canada	3	Mexico	1
England	1	New York	22
Germany	1	Scotland	1
Holland	1	Virginia	1
Ireland	6	Vermont	1
		West Indies	1
Total			45

Since the opening.

Austria	2	Georgia	2
British India	1	Germany ..	60
Bohemia	1	Holland	1
Belgium	1	Italy	6
Bavaria	1	Ireland	125
Connecticut	5	Illinois	1
Canada	23	Louisiana	2
Cuba	2	Mexico	1
China	2	Massachusetts	7
Denmark	1	Michigan	1
England	26	Maryland	4
District Columbia	3	New York	237
France	3	New Jersey	4

New Hampshire	2	Sweden	1
Ohio	3	Sicily	1
Pennsylvania	10	Saxony	1
Prussia	1	Turkey	1
South Carolina	1	Vermont	4
Scotland	3	Virginia	4
Switzerland	5	West Indies	1
Spain	3	Unascertained	11
Total	574		

TABLE No. 5.

Showing the habits of life of those admitted during the year ending September 30, 1880, and since the opening of the asylum, February 2, 1859.

HABITS.	DURING THE YEAR.			SINCE THE OPENING.		
	Men.	Women.	Total.	Men.	Women.	Total.
Temperate	16	.....	16	117	8	125
Intemperate	16	.....	16	242	14	256
Moderate	13	.....	13	133	3	136
Unascertained .....	.....	.....	.....	53	4	57
Total	45	.....	45	545	29	574

TABLE No. 6.

Showing the degree of education of those admitted during the year ending September 30, 1880, and since the opening of the asylum, February 2, 1859.

DEGREE OF EDUCATION.	During the year.	Since the opening.
Classical .....	.....	4
Academic	1	5
Common school	19	135
Read and write	12	253
Read only	5	35
No education	8	142
Total	45	574

TABLE NO. 7.

Showing the occupations of those admitted since the opening of the asylum, February 2, 1859.

Auctioneer	1	Locksmith	1
Architect	1	Laborers	95
Agent	1	Lutheran clergyman	1
Boxmakers	3	Merchants	5
Blacksmiths	12	Messengers	2
Book-keepers	9	Machinists	3
Barbers	6	Masons	8
Bakers	5	Miner	1
Baggageman	1	Miller	1
Boatmen	2	Peddlers	4
Bar-keepers	2	Pumpmaker	1
Brushmakers	2	Porters	3
Butchers	6	Painters	13
Carmen	4	Pianomaker	1
Carpenters	19	Prostitutes	2
Clerks	8	Printers	4
Coachmen	3	Plumbers	5
Collector and reporter	2	Rum sellers	2
Commission merchant	1	Real estate agent	1
Confectioner	1	School teacher	1
Cooks	5	Soldiers	4
Cabinetmakers	10	Seamstresses	3
Coopers	4	Sash-and-blindmaker	1
Copyist	1	Shoemakers	27
Cigarmakers	4	Stone-cutters	6
China packer	1	Servants	4
Dentist	1	Sailors	18
Drover	1	Tailors	21
Engineers	4	Tinsmiths	5
Farmers	48	Tanner	1
Filemaker	1	Teamsters	7
Finishers	3	Telegraphers	2
Gardeners	4	Waiters	5
Hatters	3	Weavers	1
Homœopathic physician	1	Wiremaker	1
House-keepers	8	Watchman	1
Harnessmakers	2	Variety actor	1
Iron moulders	3	No occupation	81
Jewelers	2	Unascertained	33

Total 574

TABLE NO. 8.

Showing crimes committed by those admitted during the year ending September 30, 1880, and since the opening of the asylum, February 2, 1859.

CRIMES.	DURING THE YEAR.		SINCE THE OPENING.	
	Convicts.	Unconvicted.	Convicts.	Unconvicted.
Larceny, grand.....	7	1	113	3
Larceny, petit.....	1		20	1
Larceny, attempt at.....			7	
Robbery.....	4		15	
Robbery, highway.....			27	
Burglary, attempt at.....			8	
Receiving stolen goods.....			1	
Assault and battery.....	1		5	
Assault and abduction.....			1	
Assault to harm.....	1		27	
Assault to rape.....			10	
Assault to rob.....			2	
Abduction.....	1		1	
False pretenses.....			4	
Forgery.....			10	
Resisting officer.....			1	
Counterfeiting.....			3	
Pass'g counterfeit money..			2	
Incest.....			1	
Rape.....		1	15	1
Arson.....	1	1	27	6
Arson, attempt at.....			3	
Mayhem.....			2	
Bigamy.....		1	2	2
Desertion.....			1	
Mutiny.....			1	
Manslaughter.....			20	1
Murder.....		1	28	31
Murder, attempt at.....		1	10	9
Murder, second.....	1		6	
Seduction.....			1	
Vagrancy.....	2		4	
Perjury.....			1	1
Obstructing railroad.....	1		1	
Felonious assault.....	1		1	
Burglary.....	17	1	137	1
Total.....	38	7	518	56

TABLE No. 9.

Showing length of sentence of those admitted during the year ending September 30, 1880, and since the opening of the asylum, February 2, 1859.

Sentences.	During the year.	Since the opening.
One hundred and eighty days.....		1
Two months.....	1	1
Three months.....	1	1
Six months.....	1	3
Ten months.....		1
One year and upwards.....		17
Two years and upwards.....	10	109
Three years and upwards.....		47
Four years and upwards.....	2	53
Five years and upwards.....	3	98
Six years and upwards.....	1	3
Seven years and upwards.....	4	26
Eight years and upwards.....		6
Nine years and upwards.....	2	7
Ten years and upwards.....	7	54
Twelve years and upwards.....		6
Thirteen years and upwards.....		1
Fourteen years and upwards.....		3
Fifteen years and upwards.....		16
Seventeen years and upwards.....		3
Eighteen years and upwards.....		
Twenty years and upwards.....	2	22
Twenty-five years and upwards.....		3
Twenty-seven years and upwards.....		1
Life.....	1	29
Death.....		4
Convicted but not sentenced.....	1	1
Indefinite.....	3	3
Unconvicted.....	6	55
Total.....	45	574

TABLE No. 10.

Showing the alleged duration of insanity, previous to admission, in those admitted during the year ending September 30, 1880, and since September 30, 1875.

DURATION OF IN- SANITY.	DURING THE YEAR.			SINCE SEPTEMBER 30, 1875.		
	Men.	Women.	Total	Men.	Women.	Total.
Three days	2	..	2	2	1	3
Five days .....	..	..	..	1	..	1
One week .....	..	..	..	3	..	3
Two weeks	2	..	2	4	..	4
Three weeks	2	..	2	7	..	7
Four weeks	1	..	1	10	..	10
Six weeks .....	..	..	..	2	..	2
Two months	1	..	1	13	..	13
Ten weeks .....	..	..	..	1	..	1
Three months	1	..	1	5	..	5
Four months	2	..	2	9	..	9
Five months	1	..	1	3	..	3
Six months	3	..	3	7	..	7
Seven months	1	..	1	2	..	2
Eight months .....	..	..	..	4	..	4
One year	3	..	3	8	..	8
Thirteen months .....	..	..	..	1	..	1
Two years	3	..	3	3	..	3
Three years	1	..	1	2	..	2
Five years	1	..	1	1	..	1
Eight years .....	..	..	..	1	..	1
Not insane	9	..	9	22	1	23
Unascertained	12	..	12	77	9	86
Total	45	....	45	188	11	199

TABLE No. 11.

Showing the form of mental disorder in those admitted during the year ending September 30, 1880, and since September 30, 1875.

MENTAL DISORDER.	DURING THE YEAR.			SINCE SEPTEMBER 30, 1875.		
	Men.	Women.	Total.	Men.	Women.	Total.
Alcoholism, chronic ..	1	..	1	1	..	1
Dementia	7	..	7	18	..	18
Epilepsy .....	..	..	..	2	1	3
Imbecile	1	..	1	11	1	12
Mania, acute	4	..	4	30	1	31
Mania, sub-acute .....	..	..	..	9	..	9
Mania, chronic	10	..	10	41	4	45
Mania, periodic .....	..	..	..	4	1	5

TABLE No. 11 — *Continued.*

MENTAL DISORDER.	DURING THE YEAR.			SINCE SEPTEMBER 30, 1875.		
	Men.	Women.	Total.	Men.	Women.	Total.
Mania, paroxysmal...	....	....	....	4	1	5
Paresis	1	....	1	3	....	3
Paresis pseudo.....	1	....	1	1	....	1
Status epilepticus....	1	....	1	1	....	1
Melancholia	10	....	10	39	1	40
Epilepsy with mania..	....	....	....	2	....	2
Not insane	9	....	9	22	1	23
Total.....	45	....	45	188	11	199

TABLE No. 12.

Showing probable exciting causes in those admitted during the year ending September 30, 1880, and since September 30, 1875.

EXCITING CAUSES.	DURING THE YEAR.			SINCE SEPT. 30, 1875.		
	Men.	Women.	Total.	Men.	Women.	Total.
Blow on head	3	....	3	6	....	6
Confinement in prison.....	11	....	11	46	2	48
Chronic meningitis.....	....	....	....	2	....	2
Epilepsy .....	....	....	....	5	1	6
Heart disease and masturbation....	....	....	....	1	....	1
Hereditary	4	....	4	7	....	7
Intemperance.....	1	....	1	6	1	7
Ill health .....	....	....	....	6	....	6
Ill health and remorse.....	....	....	....	1	....	1
Infidelity of wife .....	....	....	....	2	....	2
Imbecile	1	....	1	11	1	12
Intemperance and syphilis	1	....	1	1	....	1
Intemperance and venereal excess..	1	....	1	1	....	1
Masturbation	5	....	5	18	....	18
Phthisis pulmonalis .....	....	....	....	7	....	7
Paralysis.....	....	....	....	1	....	1
Seduction.....	....	....	....	1	....	1
Sunstroke.....	1	....	1	1	....	1
Uterine disease.....	....	....	....	....	1	1
Not insane.....	9	....	9	21	2	23
Unascertained.....	8	....	8	45	2	47
Total.....	45	....	45	189	10	199

TABLE No. 13.

Showing the cause of death in those who died during the year ending September 30, 1880, and since the opening of the asylum, February 2, 1859.

CAUSE OF DEATH.	DURING THE YEAR.			SINCE THE OPENING.		
	Men.	Women	Total.	Men.	Women	Total.
"Asthenia".....	.....	.....	.....	1	.....	1
Acute meningitis.....	1	.....	1	.....	.....	.....
"Convulsions".....	.....	.....	.....	2	.....	2
Consumption.....	1	.....	1	21	.....	21
Consumption and ulcer of stomach, with softening of the brain....	.....	.....	.....	1	.....	1
Chronic Bright's; softening of the brain; acute pleurisy.....	1	.....	1	1	.....	1
Diarrhoea.....	.....	.....	.....	1	.....	1
Dementia.....	.....	.....	.....	2	.....	2
Diabetes, mellitus and peritonitis...	1	.....	1	1	.....	1
Epilepsy.....	.....	.....	.....	4	.....	4
Exhaustion from chronic mania.....	.....	.....	.....	2	.....	2
Exhaustion from acute mania.....	.....	.....	.....	.....	1	1
General debility.....	.....	.....	.....	1	.....	1
General paralysis.....	.....	.....	.....	4	.....	4
Gangrene lung.....	.....	.....	.....	1	.....	1
Heart and Bright's disease — Cir- rhosis.....	.....	.....	.....	1	.....	1
"Old age".....	.....	.....	.....	1	.....	1
Suicide.....	.....	.....	.....	3	.....	3
Softening of brain.....	.....	.....	.....	3	.....	3
Thoracic aneurism.....	.....	.....	.....	.....	1	1
Tumor of brain.....	.....	.....	.....	1	.....	1
Unascertained.....	.....	.....	.....	13	.....	13
Total.....	4	.....	4	65	2	67

TABLE No. 14.

Showing the products of garden, etc.

Apples, bushels.....	139
Apples, dried, pounds.....	250
Asparagus, bushels.....	3½
Beans, string, bushels.....	9
Beans, pole, bushels.....	3
Beats, root, bushels.....	150
Beets, green, bushels.....	25
Corn, green, bushels.....	40
Carrots, bushels.....	125
Cucumbers, green, bushels.....	6
Cucumbers, pickles, barrels.....	3
Chickens, pounds.....	21
Celery, bunches.....	1500
Cherries, bushels.....	2
Cabbage, heads.....	1500
Grapes, bushels.....	9
Lettuce, bushels.....	12
Melons, musk.....	300
Milk, gallons.....	912½
Onions, bushels.....	41
Potatoes, bushels.....	80
Peas, bushels.....	6
Parsnip, bushels.....	10
Pork, pounds.....	3133
Squash, summer, bushels.....	12
Squash, winter, pounds.....	3400
Strawberries, quarts.....	330
Salsify, bushels.....	6
Turnips, bushels.....	49
Tomatoes, ripe, bushels.....	45
Tomatoes, pickles, barrels.....	4
Veal, pounds.....	170

TABLE No. 15.

Showing the current monthly expenses for the year ending September 30, 1880, and the average weekly cost per capita for each of the items in the schedule.

MONTHS.	Salaries and wages.		Commissary supplies.		Printing and stationery.		Furniture.		Medical stores.		Clothing and bedding.		Building and repairs (ordinary).		Fuel and lights.		Farming tools, hay, etc., grain.		Discharged patients.		Miscellaneous.		Amount total.	
	\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.			
1879.																								
October.....	\$801 51		\$1,132 07		\$3 27		\$7 23		\$11 92		\$249 51		\$51 85		\$1,044 05		\$102 09		\$10 40		\$14 08		\$3,458 08	
November.....	840 12		709 19		13 30		73 07		51 90		171 33		55 97		74 30		55 99		53 00		15 89		2,087 68	
December.....	850 03		782 28		40 92		43 31		12 32		93 22		56 92		62 00		50 26		.....		72 42		2,063 86	
1880.																								
January.....	857 00		746 54		25 65		127 75		22 10		94 19		76 04		62 95		49 13		42 60		94		2,064 89	
February.....	811 90		802 80		2 00		14 00		26 04		86 86		53 11		61 26		65 57		6 00		27 04		1,950 57	
March.....	910 06		896 26		65		43 22		10 10		166 02		10 61		65 77		54 18		.....		13 73		2,143 60	
April.....	802 46		744 53		17 40		11 70		18 72		169 71		36 94		29 20		71 05		59 60		41 48		2,002 76	
May.....	849 71		721 89		6 60		26 54		18 80		83 42		83 86		20 80		46 63		15 68		32 67		1,907 60	
June.....	884 00		813 24		1 63		34 97		14 10		171 63		44 19		21 00		62 00		7 00		116 80		2,170 56	
July.....	864 96		778 94		3 75		25 95		15 40		95 09		56 44		13 62		34 10		17 60		8 30		1,912 05	
August.....	794 45		766 94		19 25		11 35		22 33		210 51		39 09		16 60		69 36		23 60		22 72		1,998 70	
September.....	828 00		815 72		14 49		26 38		35 19		325 41		44 76		25 60		61 56		.....		46 07		2,226 36	
Totals for year.....	\$10,071 10		\$8,703 79		\$147 91		\$447 47		\$234 12		\$1,916 90		\$909 88		\$1,057 34		\$722 12		\$235 48		\$415 62		\$86,011 73	
Average weekly cost per capita.....	\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$ c. m.		\$3 51	
	1 36 1		1 31 1		2		6 1		3 2		26		8 2		20 4		9 8		3 2		5 8			

Daily average number of patients, 142½.

TABLE No. 16.

Showing the total average yearly cost per capita, for each year since the opening of the asylum, February 2, 1859.

YEAR.	Average number present during the year.	Total current expenditures.	Total cost per capita.
1859.....	27 1-73	\$16,387 07	\$606 61.5
1860.....	48½	17,491 50	360 64.9
1861.....	62	14,173 85	228 61.0
1862.....	78½	12,674 01	161 11.0
1863.....	80 1-10	12,035 80	150 25.9
1864.....	79½	13,942 07	176 29.6
1865.....	72½	16,699 18	229 54.2
1866.....	70 1-5	15,937 15	227 02.4
1867.....	74 6-17	16,933 94	227 97.4
1868.....	77½	17,876 61	230 14.6
1869.....	79½	13,954 92	175 54.6
1870.....	78	19,879 39	254 86.4
1871.....	67 6-100	19,332 66	288 28.8
1872.....	84	22,174 37	263 97.6
1873.....	90 5-100	22,854 08	248 24.0
1874.....	95½	23,200 73	242 93.8
1875.....	105	25,163 60	239 65.3
1876.....	100½	29,511 23	293 64.4
1877.....	98½	23,979 37	243 44.5
1878.....	113½	23,027 30	202 43.7
1879.....	126½	23,747 98	187 73.1
1880.....	142½	26,011 73	182 85.6

TABLE No. 17.

Showing the length of sentence, crime, mental disorder, how transferred, condition, time under treatment, of those remaining in the asylum, September 30, 1880.

Length of sentence.

	Men.	Women.	Total.
Life.....	18	3	21
Twenty-five years.....	1	....	1
Twenty years.....	7	....	7
Seventeen years.....	1	....	1
Fifteen years.....	3	....	3
Fourteen years and 9 months.....	1	....	1
Fourteen years and 1 month.....	1	....	1
Ten years.....	9	....	9
Nine years.....	3	....	3
Eight years.....	1	...	1
Seven years.....	11	....	11
Six years.....	1	....	1
Five years and 8 months.....	1	....	1
Five years.....	12	1	13
Four years and 6 months.....	1	....	1

	Men.	Women.	Total.
Four years	8	1	9
Three years and 2 months	2	....	2
Three years	4	....	4
Two years and 6 months	7	....	7
Two years	4	....	4
One year	1	....	1
Six months	2	1	3
Three months	1	....	1
Two months	1	....	1
Indefinite, not to exceed five years	3	....	3
Convicted but not sentenced	1	....	1
Unconvicted	33	5	38
Total	<u>138</u>	<u>11</u>	<u>149</u>

Crimes.

Against the person:

Abduction	1	....	1
Assaults, to harm, felonious and battery	8	1	9
Bigamy	2	....	2
Mayhem	1	....	1
Murder, manslaughter, and attempt at	48	7	55
Obstructing railroad	1	....	1
Robbery	17	....	17
Rape and assaults to	5	....	5
Total	<u>83</u>	<u>8</u>	<u>91</u>

Against property:

Arson	9	1	10
Burglary	25	....	25
Larceny, grand and petit	17	....	17
Passing counterfeit money	2	....	2
Vagrancy	2	2	4
Total	<u>55</u>	<u>3</u>	<u>58</u>

Mental disorder.

Alcoholism, chronic	1	....	1
Dementia	65	2	67
Dementia, convalescent	1	....	1
Imbecility	3	....	3
Mania, acute	3	....	3
Mania, epileptic	7	1	8
Mania, chronic	45	8	53
Mania, acute, convalescent	3	....	3
Melancholia	5	....	5
Melancholia, convalescent	3	....	3
Paresis, general	1	....	1
Paresis, pseudo	1	....	1
Total	<u>138</u>	<u>11</u>	<u>149</u>

How transferred to asylum.

	Men.	Women.	Total.
From Auburn State prison.....	42	....	42
From Sing Sing prison.....	21	5	26
From Clinton prison.....	25	....	25
From Elmira Reformatory.....	3	....	3
From penitentiaries.....	11	1	12
By order of court:			
Unconvicted.....	34	5	39
Convicted, not sentenced.....	1	....	1
Sentenced to death and commuted to life.....	1	....	1
Total.....	138	11	149

Condition.

Disturbed.....	35	4	39
Homicidal.....	41	3	44
Quiet.....	59	4	63
Suicidal.....	3	....	3
Ward, employed on.....	18	2	20
Ward, employed outside of.....	32	....	32

Time under treatment.

Twenty-one years to 21 years and 7 months.....	7	....	7
Ten years and 10 m'ths to 19 years and 5 m'ths..	8	....	8
Five years to 9 years and 8 months.....	32	6	38
One year to 4 years and 11 months.....	55	5	60
One month to 11 months.....	36	....	36
Total.....	138	11	149

TABLE No. 18.

OBITUARY — FRANCIS TOMPKINS.

Date of death, January 6, 1880; date of last admission, February 24, 1877; age at death, 23; civil state, married; mental state and condition on admission, melancholia, anæmic and somewhat reduced in flesh; duration and cause of disorder, six months; assigned cause of death, consumption.

Post-mortem appearances.

Head.—Calvarium of normal thickness; over convexity of right hemisphere were several small areas of tubercular deposits confined to membranes; membranes elsewhere fairly normal; size of brain, fair; contour, normal; substance, firm; puncta vasculosa, very numerous and prominent.

Thorax.—Right lung slightly adherent to chest; wall opposite

fourth rib, upper lobe, shrunken in size, seat of numerous small cavities; middle and lower lobes contained numerous tubercular nodules surrounded by emphysematous tissue but no cavities; left lung adherent anteriorly and laterally to chest wall over extent of upper lobe, which was occupied by a cavity the size of an orange, communicating with other smaller cavities and with two large bronchi margins of lobe emphysematous; lower lobe was everywhere studded with tubercular deposits in all stages of development with pneumonic condition surrounding them; mucous membrane of larynx and trachea much inflamed and ulcerated; vocal chords almost destroyed by ulceration; heart, normal.

Abdomen.—Liver, spleen and kidneys, normal; numerous tubercular deposits in ilium, with commencing ulceration, just above ileo coecal valve; mesenteric glands enlarged and softened; appendix vermiformis contained several cheesy nodules; bladder, normal.

Weight of organs in ounces.—(Not in possession of proper scales for ascertaining the weights.)

OBITUARY — ANDREW JACKSON MELLEN.

Date of death, May 11, 1880; date of last admission, August 13, 1879; age at death, 50; civil state, married; mental state and condition on admission, chronic mania; duration and cause of disorder, three days, idiopathic; assigned cause of death, acute peritonitis.

Post-mortem appearances.

Head.—Dura-mater altered slightly and adherent to brain; pia-mater slightly opaque over convulsions of hemisphere, elsewhere unaltered; both vertebral arteries atheromatous and in a condition of aneurismal dilatation; the left aneurism began at the inner margin of the atlas and extended within a quarter inch of the basilar junction; diameter about one-quarter inch; length three-quarters of an inch; shape fusiform; dilation of right artery of same length, but diameter a little less than the left; cerebral arteries atheromatous; brain substance firm, normal to the touch.

Thorax.—Mediastinal fat absent; three old ligamentous adhesions attached summit anterior and lateral portions of right upper lobe to chest walls; both lungs slightly emphysematous, otherwise healthy; left pleural sack contained about three ounces straw-colored serum; heart small and flabby, free from valvular lesions.

Abdomen.—Peritoneum universally congested and covered with small patches of fibrino purulent exudation; the peritoneal cavity contained about six ounces of sero pus; intestines much distended by gas; liver small, structure apparently normal; kidneys slightly granular; bladder normal.

Weight of organs in ounces.—(Not in possession of proper scales for ascertaining weights.)

OBITUARY — JAMES KENYON.

Date of death, July 22, 1880; date of last admission, August 14, 1877; sent to Utica asylum in 1860; date of attack, 1857; age at death, 74; civil state, married; mental state and condition on ad-

mission, chronic mania; general health, fair; duration and cause of disorder, one week, cold from exposure at night; assigned cause of death, acute pleurisy of right side.

Post-mortem appearances.

Head.—Calvarium ordinary thickness; dura-mater incorporated with skull, non-separable; general thickening of membranes, especially at base; three ounces serum in cavities; arteries universally atheromatous; right vertebræ greatly dilated; cortical substance generally atrophied; on raising pia-mater convulsions fell apart, leaving gaping sulci; right half cerebellum several depressions corresponding to deposits of connective tissue in substance; at base of posterior horn of right cerebral hemisphere, a space three and one-half inches long by one inch wide, extending to midway of middle lobe, was condensed, dingy yellow deposit, involving pia-mater and substance of brain apparently seat of old extravasation on smaller scale, same as cerebellar spots.

Thorax.—Right lung cavity contained two quarts thick serum and large masses of lymph in first stage of organization; lymph and serum succulated; lung condensed; left lung normal; aorta greatly enlarged from valves to descending aorta; diameter one and three-eighths inches; atheromatous with large ulcerated patches; valves and chordæ all atheromatous; right auricle filled with organized clot which was cause of sudden death; arterial system of all vital organs very generally atheromatous.

Abdomen.—Liver and both kidneys cirrhotic, left kidney most so; cirrhosis not greatly advanced, but manifest microscopically; stomach and intestines and pancreas normal, also bladder; patient was well nourished and in apparently good general health until attacked with pleurisy; death occurred suddenly; had several apoplectic seizures accompanied by temporary hemiplegia; had become demented.

Weight of organs, in ounces.—Brain, 42½; right cerebral hemisphere, 17½; left hemisphere, 17½; cerebellum (pous and medulla) 6½; loss by escape of fluids on section 1. Thorax—Right lung, 17½; left lung, 20½; heart, 17½. Abdomen—Liver, 3 pounds 6 ounces; right kidney, 5½; left kidney, 4½; spleen, 6½. (Weights ascertained by Becker & Sons' scales.)

OBITUARY — MICHAEL LAWLESS.

Date of death, September 27, 1880; date of last admission, February 27, 1879; age at death, 33; civil state, single; mental state and condition on admission, delusions and hallucinations; duration and cause of disorder, two weeks, excitement from being prevented from escaping; assigned cause of death, acute meningitis.

Post-mortem appearances.

Head.—Dura-mater somewhat thickened, slightly adherent to skull and brain; pia-mater on surface covered by a thin layer of recent lymph and intensely congested; membranes at base deeply congested; ventricles almost filled with turbid serum; substance of brain deeply congested, the appearance of white substance being especially characteris-

tic of this condition ; numerous bright red puncta vasculosa being everywhere prominent.

Thorax.—Adhesions of summit of right lung, also posterior margin old and firm ; numerous tubercular nodules size of beans in upper lobe of left lung ; large nodules in right upper lobe ; none of these nodules were ulcerated ; lower portions of both in condition of hypostatic congestion.

Abdomen.—Both kidneys contained large areas of chronic inflammation ; spleen softened ; structure of liver apparently healthy ; body well nourished ; large semi-circular scar on anterior surface of left thigh, in front ; scars in groins of buboes.

Weight of organs in ounces.—Brain, $48\frac{1}{2}$. Cerebrum: right hemisphere, 15 ; left hemisphere, $18\frac{1}{2}$; cerebellum and pons, 6 ; loss of fluid on section, 9. Thorax: right lung, $20\frac{1}{2}$; left lung, 39 ; heart, $12\frac{1}{2}$. Abdomen: Liver, 45 ; right kidney, 5 ; left kidney, $5\frac{1}{8}$; spleen, $4\frac{1}{2}$. (Weights ascertained by Becker & Sons' scales.)

CHAPLAIN'S REPORT.

AUBURN PRISON, *September 30, 1880.*

To the Hon. LOUIS D. PILSBURY,

Superintendent of State Prisons, etc.

DEAR SIR—In offering you this brief report of the religious services conducted in the Asylum for Insane Criminals, I desire to express my admiration of the manner in which that institution has been conducted during the past year. Under the excellent management of Dr. Dimon, who has been ably seconded by Dr. Gordon, his assistant, the general tone or morale of the institution shows marked change and improvement. The inmates have been kindly treated, and their various wants carefully supplied.

It is very gratifying to all who desire to maintain and to advance our Christian civilization, to know that our great State so beneficently provides for the care and treatment of those who, by reason of mental infirmity, are no longer morally or legally responsible for their actions.

The attention given to the religious services by the inmates of the asylum is something remarkable. The services have been similar in kind, during the past year, with those which have been heretofore reported to you.

The best of order is maintained, and a large proportion of the inmates join in the services and seem to be highly gratified with having the opportunity of doing so.

It is one of the triumphs of our times that the very people who suffer from the actions of these unfortunate beings are still ready and willing to tax themselves to extend to them the care and treatment which their malady requires.

Truly yours,

W. SEARLS, *Chaplain.*

STATE OF NEW YORK.

No. 14.

IN ASSEMBLY,

JANUARY 11, 1881.

REPORT

OF SPECIAL COMMITTEE APPOINTED BY THE ASSEMBLY OF 1880, TO INVESTIGATE THE AFFAIRS OF THE CYPRESS HILL CEMETERY.

BROOKLYN, N. Y., Jan. 7th, 1881.

To the Honorable Speaker and Assembly of 1881 :

The undersigned, a committee appointed by the Assembly of 1880 to investigate the affairs of the Cypress Hill Cemetery Association of Queens county, herewith transmits the proceedings had before such committee and submit the following report:

1. We find that about the time of the formation of the corporation in 1845, the then trustees issued \$480,000 bonds on property which cost actually about \$20,000, with an added expense thereto which represented in the aggregate about \$40,000. The issuance of \$480,000 bonds by the original trustees has had a mischievous and baneful influence upon the fortunes of the Cemetery Association down to the present time; the competition of private plot holders against the plots owned by the cemetery being a detriment, and having tended to retard proper improvements.

2. We find that on a claim made by the Starkweather estate, of a bond for \$2,500 of the original issue of \$480,000, which bond had been in suit, and which claim, with interest and expenses, was alleged to be \$10,000; the trustees settled the claim by the payment of \$5,000 by the corporation, and \$5,000 additional from the trustees personally and private lot owners, a portion of the expense of the prior litigation being paid by the corporation. This settlement has been quoted as a serious charge against the trustees. While it may have been an injudicious and improper act, nevertheless there has been no testimony produced before the committee to show that the trustees acted otherwise than in good faith, and for what they deemed to be for the best interests of the cemetery at that time.

3. We find that the trustees in times past transferred to themselves lots of the cemetery at various prices, said trustees declaring that it

was a necessity for them to make advances for cemetery purposes, and that only by taking plots could they obtain remuneration. In the opinion of the committee this practice is injurious to the interests of a cemetery, and is a proper subject for legislation.

4. Charges have been made against the present trustees, of mismanagement and incompetency. The committee find that the cemetery is not in as good condition as a place of sepulture so finely situated ought to be ; but as already stated by the committee, all but the original trustees have been hampered by the issuance of the \$480,000 bonds, and there is no evidence to show that the present board of trustees have been derelict or neglectful.

5. Many of the charges preferred against the corporation would seem to be proper subjects for judicial rather than legislative action.

GEORGE WREN, 7th Dist., Kings Co.
DAVID LINDSAY, 8th Dist., Kings Co.
CHAS. H. RUSSELL, 9th Dist., Kings Co.

We dissent from the last clause of finding No. 4, desiring to have struck out of the finding the words "and there is no evidence to show that the present board of trustees have been derelict or neglectful." In all other particulars we assent to the report of the committee.

E. D. BENEDICT, 12th Dist., Kings Co.
B. VALENTINE CLOWES, 2d Dist., Queens Co.

BROOKLYN (E. D.), N. Y., *July 26, 1880.*

The legislative committee to investigate the affairs of the Cypress Hill Cemetery Association, met at 66 Broadway, Brooklyn, E. D., on July 26, 1880, at 3 o'clock, P. M., in accordance with the following :

(Copy.)

STATE OF NEW YORK :
ASSEMBLY CHAMBER,
ALBANY, *May 27, 1880.* }

On motion of Mr. Wren,

Resolved, That a committee of five be appointed to investigate the affairs of the Cypress Hills Cemetery Association of the county of Queens ; said committee to report to the assembly of 1881, and to have power to send for persons and papers ; said investigation under no circumstances to be any expense to the State.

The Speaker appointed as such committee Messrs. Wren, Russell, Clowes, Lindsay and E. D. Benedict.

By order.

E. M. JOHNSON, *Clerk.*

All the members of the committee were present, and an adjournment was taken until Friday, July 30, 1880, at 3 P. M.

GEORGE WREN, *Chairman.*

BROOKLYN (E. D.), N. Y., *July 30, 1880.*

Present of committee—Messrs. Wren, Russell, Lindsay, Clowes and E. D. Benedict.

Counsellor Cooke, of counsel for lot owners, called to the stand Mr. Geo. W. Palmer, who, being sworn, deposed as in Exhibit A.

EXHIBIT A.

July, 1880.

The undersigned, upon information and belief, makes the following charges against the trustees of Cypress Hill Cemetery:

That said trustees, very soon after filing their certificate of incorporation in 1848, purchased from A. H. Van Wyck, then a trustee, about 125 acres of land for about the actual price of \$20,000, and that consideration was written in the deed.

That said actual consideration was paid by the association's assuming a mortgage for about \$10,000, and conveying about 486 cemetery lots to said Van Wyck at \$20 each, in full payment of the balance.

That the actual consideration was soon thereafter erased by authority of said trustees, and the sum of \$500,000, or thereabouts, inserted in place thereof.

That the difference between the *erased* and the *inserted* consideration, amounting to \$480,000, was represented by seven per cent per annum interest bearing bonds, and that said bonds were issued to said Van Wyck without any consideration ever being received by the cemetery therefor.

That said bonds were immediately divided between the then trustees by said Van Wyck without any consideration by the other trustees to him.

That interest on some of these bonds was paid out of the treasury of the cemetery.

That a committee of lot owners, in 1851, having heard of these bonds, demanded of the trustees answers to certain questions concerning them.

That the trustees were afraid or ashamed to acknowledge the facts concerning these bonds; surrendered all they could control; reported to the lot owners that there were no bonds of the cemetery in existence. They also reported the receipts and expenditures to date, and also the indebtedness of the cemetery. The report showed no liability on account of said surrendered bonds.

That soon after the above-mentioned investigation the trustees issued to all the parties who had surrendered bonds certificates for cemetery lots at \$60 each, to the number of about 8,000 of such lots.

That no consideration was ever paid for said 8,000 lots, nor pretended to be paid, except the surrendered fraudulent bonds.

That by an agreement between the recipients of the said 8,000 lots, one-third was to be sold at once to raise money to improve the rest.

That Edmund Driggs, then one of the trustees, sold nearly all of said "one-third lots" (or about 260 lots in all) and reported to his associates that he was getting \$6 per lot for them.

That the purchasers from said Driggs of said "one-third lots," paid him from \$15 to \$22 per lot, and that the difference between \$6 and the selling price was pocketed by said Driggs "as a broker." That this difference amounted to about \$30,000.

That W. D. Kennedy held one of said bonds which amounted to \$2,500, would not take lots for the same when the other bonds were surrendered. Mr. Driggs and Mr. Nellis bought said bond for about \$1,600, and received from the cemetery 100 of the best lots in the grounds for it. This transaction took place about 1854, some years after the board had reported the bonds were all cancelled.

That the estate of Samuel Starkweather held one of said bonds for \$2,500. Campbell, the executor, refused to exchange the bond for lots, and brought suit to collect the amount named in the bond. The trustees defended, alleging that the bond was fraudulent and void. The Court of Appeals (41 N. Y. Reports) so decided. This suit was begun several years after the board had reported the bonds all cancelled.

That though Campbell lost the suit, he threatened to expose the transactions of the trustees connected with similar bonds, and was given ten thousand dollars to buy his silence.

That this appropriation of 8,000 lots required about 120 acres of land, or nearly as much as was bought from said Van Wyck; and supplied the votes by which said trustees could elect themselves from that time forward.

That for the first money needed by the cemetery, the trustees sold lots to themselves — selected lots in the best part of the grounds — offered these lots for resale in competition with the cemetery, at a large advance over the prices allowed for them. That by this means a large part of the sales have accrued to the benefit of individual trustees at a profit of from 100 to 500 percent. This method of raising money was repeated until about 3,000 lots were thus sold to the trustees.

That they have deeded lots to themselves a few days before a trustee election, that they might vote on them and be able to defeat a formidable opposition.

That the trustees have given away several hundred lots to individuals (who having learned the character of their official acts, threatened to expose them) to bribe such individuals to silence.

That for the small sum of one dollar per lot they exchanged several hundred of their least salable lots for a like number of the most salable lots in the cemetery.

That four of said trustees bought 64 acres of land adjoining the cemetery for about \$20,000, with the understanding that the four were to have half of the lots that could be surveyed out of the land for the amount advanced to purchase the same. The four exacted from the association interest on \$64,000 during the delays incident to searches, surveys, etc., in excess of the consideration agreed upon, and being a quorum, obtained it:

That one trustee bought land adjoining the cemetery and was promised a certain number of lots per acre if he would place the same in the cemetery. The land did not make the number of lots promised, and a large number in another locality were given to make up the deficiency.

That the cemetery donated about one hundred and twenty-six lots to the United States and M. Police Department, to induce the proper officials to select burial grounds in said cemetery. The donations secured the sale of about one hundred and fifty-six lots at \$80 per lot.

As soon as the sales were secured the trustees claimed nearly all the lots included in them, under floating certificates, and appropriated the proceeds to themselves.

That the trustees of the cemetery have appropriated the labor of the employees and materials of the association (for the improvement of property outside of the cemetery in which they were individually interested) to the amount of several thousands of dollars, and made no accounting therefor.

That they have misappropriated the trust funds of the cemetery.

That in 1874 the Attorney-General of the State authorized proceedings in the name of the people against said trustees. Suit was commenced in the Supreme Court, complaint filed, answer made, accountant appointed by the court, case of the people prepared, papers submitted to counsel for defendants; defendants counsel admitted they were "beaten before trial, and the only way out was to buy out." Negotiations were opened with Winchester Britton who represented the Attorney-General; \$5,000 were raised by the officers of the cemetery and their attorney, John M. Stearns, and was paid to said Britton; and the respective attorneys arranged for a sham trial, and by collusion allowed judgment to be obtained for the trustees by a fraud upon the court.

That the trustees, warned by this suit of the people, that their time of speculating in lots might be abridged by legislation or the courts, obtained a special act of the Legislature in 1875, permitting them to bond the cemetery again to repurchase from themselves and friends such lots as they feared they might not otherwise sell.

That the bonds issued for the repurchase of lots which in equity always belonged to the cemetery, should be declared void, as they have been issued for no consideration.

That over 12,000 of the best lots in the cemetery have been almost lost to it, as far as the nominal sums received at the time of pretended sale is concerned; but have been a detriment, as they have been ever since offered for resale in competition with the cemetery, in the hands of individual trustees, "pools of trustees," undertakers, stonemasons, grocers, plumbers, and others with whom the trustees have traded.

That the 300 acres of land now owned by the association actually cost only about \$56,000. That Edmund Driggs (for about twenty years president of the cemetery) acknowledges that the association is in debt to the amount of over \$55,000. The 300 acres made about 21,000 burial lots. The treasurer, Mr. Miles, reported some years since to the board that the cemetery only had about 2,500 lots unsold. In 1879 the president reported that the cemetery owned "6,000 lots, every one of which was worth \$150." The cemetery had probably repurchased 3,500 lots, or thereabouts.

That from the above figures the conclusion is inevitable, that if the "6,000 owned by the cemetery are worth now \$900,000," the 15,000 disposed of are worth \$2,250,000. Over two millions of dollars worth of lots disposed of; a debt equal to the whole cost of the lands unpaid; no improvements of the cemetery grounds or buildings to credit to the millions, and no investments to account for them.

That the first trustees perpetrated a fraud by which they expected to realize about a half a million of dollars out the bonds, besides a

large amount of money on the profits made by selling lots to themselves at a very low price and reselling at a high price.

The second lot of trustees, including Driggs, Miles & Pease, who came in about 1850, each gave \$3,250 for \$30,000 of the bonds; but when they found out the character of the bonds, and that they were without consideration, insisted on being repaid and were repaid for all advances. They, however, did not return their bonds, but drew 500 cemetery lots each with the other bondholders. Instead of repudiating the fraud, the three trustees mentioned above, each made more money out of the bond transactions than any of the first trustees did.

That the present trustees, who had nothing to do with the issue or cancellation of the first-mentioned bonds, do not do their duty, in that they do not refuse to give deeds for lots fraudulently taken from the cemetery and prosecute the holders of fraudulent certificates for their return and cancellation.

GEO. W. PALMER.

It was ordered that the following persons be subpoenaed : William Edwards, Noyes F. Palmer, William B. Ditmas and John Tregaskis.

The committee, on motion of Mr. E. D. Benedict, adjourned to meet on Monday, August 2, 1880, at 3 P. M.

GEORGE WREN.

BROOKLYN, E. D., *August 2, 1880 — 3 P. M.*

Met at 66 Broadway, Brooklyn, E. D.

Messrs. Wren and E. D. Benedict present.

There being no quorum, adjourned until Monday, August 16, at 3 P. M., to meet at 66 Broadway.

GEORGE WREN.

66 BROADWAY, BROOKLYN, E. D., }
August 16, 1880 — 3 P. M. }

Messrs. Wren, Clowes, Lindsay and E. D. Benedict present.

J. M. Stearns, of counsel to Cypress Hill Cemetery Association, submitted the following, which the committee determined to receive and place on file.

EXHIBIT B.

August 16, 1880.

IN THE MATTER OF CYPRESS HILLS CEMETERY.

In respect to the legislative investigation of the affairs of this corporation, acting for the trustees now in office, I state a preliminary objection against the action of Mr. Benedict as a member of this committee while he has the position of a retained attorney in three suits

against the institution ; also, that the charges produced are signed by a brother of the plaintiff in those suits. We simply state this objection for what it is worth as a part of this record.

In respect to the charges made, Mr. George W. Palmer is reported to have said, "I don't know that any thing can be said against the present management, except that the board of trustees have not taken steps to remedy the evils of which we complain."

It seems, then, we are simply charged with less violent treatment towards our predecessors than we ought to have shown, in the judgment of our accusers.

The antecedent history of the institution only becomes material in this investigation as showing the conditions in which it has come to our hands. All the present trustees in office have come into office since the beginning of the year 1875, or within a month or two previous to that time. The cemetery held at that time (1875) burial plots, other than those sold for use to private parties, to the number of about ; also, about 900 that had been set apart to represent what is known as the "care fund," the income from which is applicable to the care of the grove plots of individual parties, in cutting grass, restoring earth washed away by rains, and in keeping plots supposed to have contributed to said fund in order.

The trustees have since purchased plots held on outstanding certificates to the number of . About 5,000 full plots had been sold for use, leaving about 75,000 plots in the hands of private parties held on certificates for resale. Of these William Miles held about 3,500; heirs of Harvey Husted, 500; estate of William J. Pease, 600; A. S. Jarvis, 1,200; P. T. Barnum, 500; one Merritt, about 400; and the balance in the hands of various other parties.

With the ruinous influence of the nine years' litigation against the Evergreen Cemetery, and its result in sequestering not only the unsold lands, but the very franchises of the corporation pertaining to private plot-holders for use, and vesting them in a stock company representing the old bondholders, to cancel whose bonds the litigation had been got up and prosecuted, our trustees have, for the last five years, sought relief from the inconvenience of the mixed interests of private individuals with the corporation without resort to the courts, by an amicable arrangement with the holders of these certificate plots.

With the example of the Evergreen and the triumph of the holders of the original bonds, no better than the \$480,000 of bonds originally issued by the Cypress Hill Cemetery, the trustees did not feel like invoking the farce of such a litigation to get rid of the inconvenient certificate titles that so impaired an efficient management of the affairs of the corporation. They believed then, as they do now, that a substitution of some representative of the practical value of these certificate plots, and to secure their surrender to the corporation, was better, on the score of harmony and future prospects than to rush into a litigation. So in 1875 a bill was drafted and presented to the legislature, authorizing the creation of a stock not to exceed \$350,000 dollars, to be sold at not less than par, and with the proceeds to purchase in these outstanding certificate plots, at a price not exceeding \$30 each 400 superficial feet. This bill was opposed because it provided for a commission to take all these outstanding certificate plots at a valuation on

the principle of acts authorizing the condemning of lands for public burying-grounds.

This bill was opposed by Senator King of Queens county, at the solicitation of Aaron A. DeGrow, claiming to act in behalf of Mrs. Van Dyck, widow of the original owner of the grounds, who received some 480 plots as part of the purchase-money of the grounds.

This bill was set aside in the committee, and what is known as the Bond Law, chapter 356 of the Session Laws of 1875, was reported and passed. While the errors of the past were sought to be wiped out by a method, the least expensive, practicable, as we then thought and still believe, in drawing the act, I did not intend that the same errors should be repeated. Hence, the provision in the fourth section prohibiting the future sale of plots in the cemetery for *resale* or otherwise than for actual use.

This act, though serving some conveniences, has not been judged safe as a means of adjusting the outstanding conflicting interests of the certificate plot-holders for the reason that the obligations under the bonds to pay interest would be certain and fixed while no common risk was shared by the bondholders with the corporation as to its success and prosperity. So the authority to issue these bonds has been used only to a limited extent, while dividends on stock would have depended on the fact of such dividends being fairly earned.

The inconvenience found by the trustees in the outstanding plot certificates in private hands is illustrated by the following incident: It was voted by the board to visit the grounds to select a section on which proper improvements could be made, such as cutting out superfluous trees and shrubbery and grading the paths and staking the plots, so people of moderate means could select a burial-place at an expense of from \$30 to \$50. A proper section was found containing about 350 plots, but on going to the office the books showed that just 19 of those plots belonged to the cemetery and all the rest to private individuals. So that all the expenses of putting the plots in a condition to sell would fall on the cemetery, and most of the profits go to private parties; if indeed they agreed to the proposed appropriation of the section.

The inconvenience of these private plat titles extends all through the grounds. To render improvements practicable, the act found in chapter 472, Session Laws of 1877, was procured to be passed by one of our trustees, taxing plots held by private parties for resale on the consideration that such plots secured an enhancement of value by the opening of avenues and other improvements, while no money value would be added to plots already used for burials. The principle of this act was the same as that of assessments for benefits for street improvements.

There is no difference of opinion between the existing board of trustees and those who have procured this investigation as to the expediency of the corporation being in full possession of all its grounds within its limits subject to sale as burial plots for use. We only differ with them as to the method of attaining this desirable result.

We have not favored these private plot-holders for resale. Previous to the last election, as counsel to the board, I gave my opinion in writing in the form of a resolution: That these plot certificates were simply executory contracts and vested no title in the holder; the title

to the plots, until deeded, remaining in the corporation ; hence, these certificates conferred no right to vote for trustees on the holder. The practice of voting on these certificates having heretofore prevailed, I consulted the records to see if my opinion would affect any past acts of the corporation, and with the exception of one year the elections had been unanimous, or nearly so ; so if any small number of actual plot-holders voted, the election was valid.

We think there are some property rights that vest in the holders of these certificates of burial plots that could not be successfully repudiated through the courts, though I have submitted the questions to Judge Nelson and am awaiting his report. If they are not subject to the statute of limitation, not designing to plead the statute against them, in view of the equitable considerations that may sustain them, unless the holders persist in holding and using them to embarrass and defeat the success of the corporation.

Then to inquire, not only as to the occasion of the issue of these certificates, but the surrounding circumstances, I must go back to the origin of the institution.

It was organized in 1848 at a meeting of seven persons at the Globe Hotel in Brooklyn, by seven persons present, five of whom were elected as trustees, who with two others constituted the first board of trustees. These men were at once speculative, infatuated and visionary. They seem to have been poor but hopeful.

The prejudice seems to have prevailed then as since, that a cemetery was to exist and to be run only as an eleemosynary charity. But this is no more true than that an undertaker puts on his long drawn countenance and his airs of propriety, through the profound piety that absorbs his soul. You may believe this at the funeral, but will likely change your views when he presents his bills. No rural cemetery was ever developed or run without money. The rural cemetery act charges the duties and obligations of other corporations on rural cemeteries, but defines or sets forth no financial facilities. And its trustees are not the custodians of an express trust and the laws of such trusts are not applicable to them. They represent to all intents and purposes a business corporation, and are bound to a prudent and careful management of the property and assets put into their hands. They may make mistakes without violating the law. A discretion may be exercised imprudently or improperly, as may afterward turn out, without their incurring a personal liability as for a tort where it shall appear that they acted in good faith. The make-shifts in the early history of the finances of the Cypress Hill Cemetery are not to be condemned unless resources existed that should have been used to a better advantage, or those who bring charges can show how needed resources could have been commanded.

With all these make-shifts the cemetery has ultimately paid its creditors a hundred cents to the dollar. And every obligation it ever assumed toward the purchasers of plots for use in said cemetery have been scrupulously discharged. Mistakes may have occurred in orders for graves or work, which when discovered have been speedily corrected. And improvements not paid for have been expected by some unreasonable people ; and where improvements have been made and paid for, other and more expensive work has been expected than that ordered and paid for.

But we defy investigation to show that from the organization of the cemetery down to now, that holders of plots for use have not received and been protected in all they bought, and have not had more work applied to the care of their plots than the cemetery was bound to give, or for which it had received any compensation.

If it were true that the old boards of trustees had speculated in plots, the present complainants have not suffered thereby, and were such speculation illegal, the complainants in their course occupy no better position than tramp sailors rowing about our harbor to find vessels without their names on the stern and to collect fines of their owners.

As to the consideration for the plot certificates issued:

In 1849 Charles T. Cromwell was elected trustee, receiving certain of the bonds that had been issued, and contributing \$795.50 to the relief of the debts of the concern, while the other trustees had advanced \$3,977.50 for the same object.

All the bonds, subject to the control of the trustees, were hypothecated with Charles T. Cromwell as collateral security for his advancing money to take up the first mortgage on the cemetery lands, and to release 40 acres of the same.

December 7, 1850, William Miles was made trustee, and paid to Cromwell \$3,250, as for six bonds of \$5,000 each, original issue, toward his advances in taking up and holding the first mortgage on the grounds. Miles, also, lent the cemetery \$1,500, and took a special bond therefor.

February 19, 1851, Edward Driggs was elected trustee, and he paid Cromwell \$3,250 as for six of the \$5,000 bonds. Such money went to liquidate the first mortgage on the grounds then in the hands of Cromwell. He also loaned the cemetery \$1,500 and took a special bond therefor.

William J. Pease, also, loaned the cemetery, October 16, 1854, \$4,539.42.

Charles Miller held a bond for moneys advanced by him for \$962.35, on which interest had accrued in the amount of \$374.05; this bond was assigned to William Miles. These bonds were all exchanged for certificates of plots to be sold.

At the time of the exchange of the old bonds for plots, the trustees had devoted at least one or two days in a month, for about four years, in developing the institution, and had contributed over \$20,000 in money to purchasing the lands and in the improvements made, over and above the income from the sale of plots. Estimating the personal care and attention to the institution by the trustees at the aggregate of \$5,000, there was a practical consideration, to sustain these plot certificates, of \$25,000. The bonds, \$480,000, at \$60 each, would require 8,000 plots. But the bonds had previously been scaled down one-third, so requiring but 5,334 plots to cancel the bonds. The one-third reserved were, however, sold to cancel other indebtedness of the institution at about \$6 each, while the moneys paid and were afterward represented by the bond lots, had cost about \$5 each. The plots, as the land was bought, cost about \$2 each. But the trustees did not get all the bond plots. They had distributed considerable sums to editors, printers and mechanics, so what they got must have cost them over \$6 each. It matters not whether this consideration was fair or

not, so long as it would be enough to sustain the holding of these certificates as a legal right. The valuation of \$30 each, in the bond law, was, no doubt, in excess of their practical value. But in converting them into stock it would be immaterial what value was put on them, so long as all were valued alike.

These certificates, as now held, have passed by delivery from hand to hand, and if the bond certificates might be repudiated the person who held them would have no means of discriminating which were bond certificates and which not. It would be almost a crime to repudiate these in the hands of innocent holders. If they are to be retired it can only be done fairly without discrimination as to their origin. If the present holders have not paid money to the cemetery they have paid it to the former holders. And, aside from the question of the statute of limitations, they are innocent holders without notice. And we shall submit this question to the committee, and through them to the public, if in refusing to engage in the litigation asked for in respect to these certificates, we are not acting as fair minded, honorable men ?

If our accusers are anxious to test the question of the validity of these outstanding certificates, they can, through the Attorney-General, sue out an injunction to restrain us from giving deeds on these plot certificates.

If they can show such an interest in the premises as qualifies them as relators in such an action, and a proper ability to indemnify the State against costs. But though an act of the Legislature may recognize these certificates as property, yet the Legislature cannot declare that they are not property without an adjudication by the court upon them, and upon each of them, for they were issued for various considerations. In the suit of Palmer against the Cypress Hill Cemetery, we have moved the referee to dismiss the complaint on the proposition "that a rural cemetery, or its trustees, have no power to sell burial plots for resale by private parties, or otherwise than for use," The referee has denied our motion, on the ground that the bond law and the tax law I have referred to recognize a valid property in contracts for such sales.

So, in answering to this investigation, we cannot see any legislative action that can obviate any existing evils as to which the courts are not competent to afford a proper and effective remedy.

JOHN M. STEARNS,

Attorney for the Cypress Hill Cemetery, and Trustee.

Mr. Wm. G. Cook, of counsel for complainant, desired to examine Mr. Noyes G. Palmer, who, being sworn, said: I have been connected with the Cypress Hill Cemetery, first in 1849; in the month of July the trustees were Caleb S. Woodhull, president; Chas. T. Palmer, treasurer; C. Edwards Lester, Dr. Charles Miller, Luther R. Marsh; these were the active managers; I was surveyor to the cemetery; the cemetery owned in July, 1849, 125 acres: they bought this from A. H. Van Wyck; the contract was for the cemetery association to assume a certain mortgage, and that Van Wyck was to receive 486 cemetery lots, the lots being valued at \$20 each, the mortgage being for about \$10,000; this contract, I have no doubt, was carried out.

Mr. Stearns first objected but afterward admitted that the statement of the contract, as made by witness, was correct.

Mr. Noyes G. Palmer, resuming: The original consideration was erased on the deed and the sum of \$500,000 inserted; the deficiency was made up by the issue of \$480,000 of bonds to Van Wyck; the bonds were eight, for \$60,000 each; some of these bonds were assigned to the trustees; two were assigned to C. Edwards Lester; all but two of these bonds were assigned to trustees, all but two or three—which were left in the name of Mr. Van Wyck; Chas. T. Cromwell became a trustee in 1849, and agreed to pay off the Van Wyck mortgage, advancing the money so to do, providing that he should have executive management of the institution and the bonds should be left in his hands as collateral security; he was to be reimbursed by the sales of plots, the money for all these to be paid to Cromwell; about 1850, Messrs. Miles, Pease & Driggs came in as trustees; in 1852, I think, the bonds for \$60,000 each were retired, and bonds for \$5,000, each, were substituted; Cromwell, before this time, had been paid, I believe; Messrs. Driggs, Miles & Pease, each gave \$3,250 for \$30,000 bonds; the money went to Cromwell to pay the first mortgage; Pease then advanced \$1,500 more, as did Messrs. Driggs & Miles; they were to take lots at \$20 a plot each for the \$1,500 so advanced; Messrs. Driggs, Miles & Pease, when they found the bonds were without consideration, insisted on being repaid what they had paid for the bonds, and were so paid by receiving plots at \$15 each, they still holding the bonds; my understanding was that each of the trustees advanced, on the average, \$900 to \$1,200 each, for which they took lots at \$20 each; in 1851 some of the lot owners, learning of the issuance of the \$5,000 bonds, called upon the board of trustees; the board of trustees agreed to leave their bonds in the safe, and a committee of the lot owners was informed that the bonds had all been retired and canceled; certificates were issued to the bondholders allowing them to locate lots at \$60 each, in consideration of their allowing the bonds to be canceled; the lots were to be located in some equitable manner; this called for 8,000 lots; the cemetery did not have that number, so as to be located in a body, according to agreement, contiguous to each other, and the association bought 64 acres additional: Mr. Driggs was one of the committee appointed to purchase; the committee paid about \$22,000; the bond was conveyed to one Henwood, four of the trustees individually furnishing the money to pay for the 64 acres; as soon as Henwood obtained the property, I understood that he executed mortgages to each of the four trustees concerned for \$16,000 to each, so that the mortgages total amounted to \$64,000; Henwood held it, I think, for nearly two years when he conveyed the land to the cemetery; the mortgages were canceled by the payment of plots at \$25 each to the four trustees as individuals, and the payment of interest on the \$64,000, the interest also being paid in plots at \$25; about 8,000 plots were given to the persons whose names were on the canceled bonds; about 500 plots in section 14 were exchanged for 500 plots in the central portion of the cemetery, on the payment of \$1 each for every lot exchanged; the value of the plots in section 14 was from \$20 down to \$2.50; the value of the plots taken was from \$60 to \$100 at that time;

Wm. Miles exchanged, I think, 100 plots; I think Edmund Driggs exchanged 100 plots, and Messrs. Harvey S. Low, Wm. J. Pease and A. S. Jarvis, exchanged plots.

NOYES G. PALMER.

Adjourned until 3 P. M., Tuesday, August 24, 1880.

No. 66 BROADWAY, BROOKLYN, E. D., }
August 24th, 3 P. M.

Present — Mr. Wren.

There being no quorum, adjourned until August 26th, at 8 P. M.
GEORGE WREN.

No. 66 BROADWAY, BROOKLYN, E. D., }
August 26th, 1880, 8 P. M.

Present — Messrs. Wren, Russell, Clowes, Lindsay, E. D. Benedict.

Mr. E. D. Benedict moved that the Chairman of the Committee, with or without a quorum of the committee, be authorized hereafter to take testimony, receive papers and act in all matters pertaining to this examination.

(Carried unanimously.)

Mr. Russell moved that the committee hereafter meet at the Kings' County Court House, at such times as may be designated by the committee.

(Carried unanimously.)

Mr. Stearns offered the following :

EXHIBIT No. 1.

August 26, 1880.

IN THE MATTER OF THE CYPRESS HILL CEMETERY.

Detailed reports, admissions and statements on the charges prepared against the Cypress Hill Cemetery.

John M. Stearns, Attorney and Trustee.

The undersigned upon information and belief makes the following charge against the trustees of Cypress Hill Cemetery.

That said trustees, very soon after filing their certificate of incorporation in 1844, purchased from A. H. Van Dyck, then a trustee,

about 125 acres of land for about the actual price of about \$20,000, and that consideration was written in the deed.

That said actual consideration was paid by the association, assuming a mortgage for about \$10,000, and conveying about 486 cemetery lots to said Van Dyck at \$20 each in full payment of the balance.

That the actual consideration was soon thereafter erased by authority of said trustees, and the sum of \$500,000, or thereabouts, inserted in place thereof

That the difference between the erased and the inserted consideration, amounting to \$480,000, was represented by 7 per cent per annum interest-bearing bonds, and that said bonds were issued to said Van Dyck without any consideration ever being received by the cemetery therefore.

That said bonds were immediately divided between the three trustees by said Van Dyck without any consideration by the other trustees to him.

The then trustees of the cemetery were Abraham H. Van Wyck, now deceased; Caleb S. Woodhull, now deceased; Charles R. Miller, now deceased; C. Edwards, Lester, Luther R. Marsh, Edwin Williams and Christian S. Delavan. Each of these four have not been trustees within 20 years last past, and we are not bound to answer for our predecessors. The facts charged are probably substantially true; but as made against the trustees now in office the charges are unjust.

There is nothing in the records to show that the boards were divided between three of the trustees.

That interest on some of these bonds was paid out of the treasury of the cemetery.

There is pretty good evidence that at that time the corporation had no money to pay interest without affirmative proof. This must be denied.

That a committee of lot owners in 1851 having heard of these bonds demanded of the trustees answers to certain questions concerning them.

The plot-holders had no such committee, and took no such action. The trustees made no such report to the plot-owners, as is alleged in this next subjoined statement.

That the trustees were afraid or ashamed to acknowledge the facts concerning these bonds; surrendered all they could control; reported to the lot owners that there were no bonds of the cemetery in existence. They also reported the receipts and expenditures to date, and also the indebtedness of the cemetery. The reports showed no liability on account of such surrendered bonds.

That soon after the above mentioned investigation the trustees issued to all the parties who had surrendered bonds, certificates for cemetery lots at \$60 each, to the number of about 8,000 of such lots.

The whole transaction of the exchange of bonds for plots, originated and was carried out within the board after 1851, when Edmund Driggs and Wm. Miles had become trustees and at the instance of Mr. Driggs and the minutes show no outside influence whatever; no report of the matter was ever made to the lot owners. The exchange of the bonds for lots, the cancelment of the bonds and the issuing of the certificates were simultaneous acts. The number of plots exchanged for the bonds

was but two-thirds of three thousand, the other third were sold to cancel other legitimate debts of the corporation.

That no consideration was ever paid for said lots, now pretended to be paid, except the surrendered fraudulent bonds.

Mr. Driggs had paid \$3,250, besides a loan for \$1,500 for such interest as he had in the corporation, and Mr. Miles had paid an equal amount. The other trustees had devoted at least two days in the month for four years and operated the concern for the same time without capital or other compensation.

That by an agreement between the recipients of the said 8,000 lots, one-third was to be sold at once to raise money to improve the rest.

I do not discover by the minutes the object of the sale. The one-third reservation to the cemetery seems to have grown out of the previous scaling down of the bonds, as the concern was in debt to the purchasers of this one-third. I reasonably infer that such indebtedness was so cancelled.

That Edmund Driggs, then one of the trustees, held nearly all of said "one-third lot" (or about 2,600 lots in all), and reported to his associates that he was getting \$6 per lot for them.

The sale was a transaction of the board. If Driggs held these plots they were held in the interest of the corporation, and so sold and accounted for.

That the purchasers from said Driggs of said "one-third lot" paid him from \$15 to \$22 per lot, and the difference between \$6 and the selling price was pocketed by said Driggs "as a broker." That this difference amounted to about \$30,000.

This statement has no warrant to support it in the minutes of the board, and is denied unqualifiedly by Mr. Driggs.

That W. D. Kennard held out of said bonds, which amounted to \$2,500, and would not take lots for same when the other bonds were surrendered. Mr. Driggs and Mr. Nellis bought said bond for about \$1,600, and received from the cemetery 100 of the best lots on the grounds for it. This transaction took place about 1854, some years after the board had reported the bonds were all cancelled.

No report by the board to the corporation or anybody else, that the bonds were cancelled. As to what individuals said or did unofficially is not within the scope of the resolution raising this committee.

That the estate of Samuel Starkweather held one of said bonds for \$2,500. Campbell, the executor, refused to exchange the bond for lots, and brought suit to collect the amount named in the bond. The trustees defended, alleging that the bond was fraudulent and void. The Court of Appeals so decided (41 N. Y. Reports.) This suit was begun several years after the board had reported the bonds all cancelled.

That though Campbell lost the suit, he threatened to expose the transactions of the trustees connected with similar bonds, and was given \$10,000 to buy his silence.

In respect to the litigation on this Starkweather bond, it took place many years after the cancelment of other bonds by certificate plots, so the decision was not a precedent to be pleaded as against that transaction. The result of this litigation was a new discovery in the history of the old bonds. Their validity had not before been questioned,

but they were retired as having bankrupted the institution by their accumulated interest. I am advised that the cemetery only paid \$5,000 on this settlement; whatever was paid more was a contribution by two of the trustees. The bond and interest, and legal costs on both sides probably amounted to \$10,000 in all.

That this appropriation of 8,000 lots required about 120 acres of land, or nearly as much as was bought from said Van Wyck, and supplied the votes by which said trustees could elect themselves from that time forward.

All the elections had, save one since, were without contest and without question.

That for the first money needed by the cemetery, the trustees sold lots to themselves — selected lots in the best part of the grounds — offered these lots for sale in competition with the cemetery at a large advance over the price allowed for them.

That by this means a large part of the sales have accrued to the benefit of individual trustees, at a profit of from 100 to 800 per cent. This method of raising money was not repealed until about 3,000 lots were thus sold to the trustees.

This is a charge that does not *lie* against the present board, and it does *lie* if it seeks to charge them at all; while they have neither bought, sold or hold lots for speculation.

The old trustees will answer this charge:

That they have deeded lots to themselves a few days before a trustee election, that they might vote on them and be able to defeat a formidable opposition.

From all that I have seen of the records, I believe this statement to be unqualifiedly false.

That the trustees have given away several hundred lots to individuals (who, having learned the character of their official acts, threatened to expose them) to bribe such individuals to silence.

The early trustees gave away some burial plots, at an early day, to popular societies and individuals, to give the institution currency as respecting popular sentiment. But in all these cases I find a proper entry in the minutes. But I feel called upon to deny the giving as above charged.

That for the small sum of one dollar per lot, they exchanged several hundred of their least salable lots for a like number of the most saleable lots in the cemetery.

That a bad bargain like this might have been made, with an individual trustee, I do not feel called on to dispute, but leave the matter to the parties implicated. No such action has taken place during the incumbency of the present trustees.

That four of said trustees bought 64 acres of land adjoining the cemetery for about \$20,000, with the understanding that the four were to have half of the lots that could be surveyed out of the land for the amount advanced to purchase the same. The four exacted from the association interest on \$64,000 during the delays incident to searches, surveys, etc., in excess of the consideration agreed upon, and being a quorum, obtained it.

I think the records show this charge for interest. I think a larger price was paid for the land than that stated.

That one trustee bought land adjoining the cemetery, and was promised a certain number of lots per acre if he would place the same in the cemetery. The land did not make the number of lots promised, and a large number in another locality was given to make up the deficiency.

I find no evidence of this in the records; do not believe it, and leave the accusers to their proof.

That the cemetery donated about 126 lots to the United States and Metropolitan Police Department to induce the police officials to select burial grounds in said cemetery. The donations secured the sale of about 156 lots at \$80 per lot. As soon as the sales were secured the trustees claimed nearly all the lots included in them under floating certificates and appropriated the proceeds to themselves.

As to the manner of this transaction, I know nothing. Have understood the lots sold the Government belonged to private parties, while those donated belonged to the cemetery. But the donation was not without advantage to the cemetery, as it brought to the institution \$2 each for opening 4,000 soldiers' graves. If the individuals owned the plots wanted they had a right to sell them.

That the 300 acres of land now owned by the association actually cost only about \$56,000. That Edmund Driggs, for about twenty years president of the cemetery, acknowledges that the association is in debt to the amount of over \$55,000. The 300 acres made about 21,000 burial plots. The treasurer, Mr. Miles, reported some years since to the board that the cemetery had only about 2,500 lots unsold. In 1879 the president reported that the cemetery "owned 6,000 lots, every one of which was worth \$150." The cemetery has, probably, purchased 3,500 lots or thereabouts.

The number of plots in the cemetery does not exceed 19,500; \$30,000 of this debt is for plot titles bought in, and held for sale by the cemetery. Estimated value of grave plots not sold is quite unsatisfactory; one-fourth of the grounds have been sold, for use, in 30 years. In 120 years, at the past rate of sales, the whole cemetery would be sold; the average time in which the whole would be sold would be 60 years. Suppose the price of a lot sold is \$150, the value of those unsold would be the present worth of \$150, due sixty years hence, about \$4, if I have calculated correctly. This estimate of value will aid the committee in estimating the loss or gain of the cemetery by the acts of its old trustees.

That from the above figures the conclusion is inevitable that if the 6,000 owned by the cemetery are worth now \$900,000, the 15,000 disposed of are worth \$2,250,000. Over two millions of dollars worth of lots disposed of; a debt equal to the whole cost of the lands unpaid; no improvements of the cemetery grounds or buildings to credit to the millions and no investments to account for them.

My notes on the last above charge sufficiently answer this, that all these estimates of value exclude time to realize the values stated.

That the trustees of the cemetery have appropriated the labor of the employees, and materials of the association (for the improvement of property outside of the cemetery in which they were individually inter-

ested), to the amount of several thousands of dollars, and made no accounting therefor.

Does this refer to the proof produced on a trial of one of the cases of Noyes G. Palmer against the cemetery, that paints bought by the cemetery were taken and used in painting his house, or to the fact that cemetery workmen have been employed in repairs on the Cypress Hills plank road, or on "an avenue leading to the cemetery." Palmer was superintendent when the painting was done, and funerals were allowed a certain freedom from tolls over the Cypress Hills road. But this charge does not apply to the present management.

That they have misappropriated the trust funds of the cemetery.

This we deny in toto. The cemetery has very small trust fund, other than that it furnished in case certificates out of the price of lots sold. In which case it received no money applicable to such fund, or that constituted any part of such fund. We will furnish the committee with the statement of all the moneys we have received for the care of plots otherwise than I have stated. This improvident practice of assuming the care of people's plots without special payment therefor has now ceased,

That in 1874 the Attorney General of the State authorized proceedings in the name of the people against said trustees. Suit was commenced in the Supreme Court; complaint filed; answers made; accountant appointed by the court; case of the People prepared; papers submitted to counsel for defendant. Defendant's counsel admitted they were "beaten before trial and the only way out was to buy out." Negotiations were opened with Winchester Britton who represented the Attorney General; \$5,000 were raised by the officers of the cemetery and their attorney, John M. Stearns, and was paid to said Britton; and the respective attorneys arranged for a trial and by collusion allowed judgment to be obtained for the trustees by a fraud upon the court.

This suit was settled, I think, about the time I was elected trustee. It was settled and costs, and counsel fees were paid to Britton representing the Attorney General. I did not favor the settlement. Judge Nelson, who was employed as counsel in the case, negotiated the settlement. On his advice to the trustees as attorney, I would not consent to the settlement unless it assumed the form of a judgment, as the same attorney might otherwise commence a new suit for the same cause of action the next day. Judgments entered on stipulations are common in equity cases and they are always sustained by the court as this has been. I file with the committee a copy of my argument before the late Attorney General on the application of our accusers here for leave to bring a new suit against us.

That the trustees, warned by this suit of the people that their time of speculating in lots might be abridged by legislation or the courts, obtained a special act of the Legislature in 1875, permitting them to bond the cemetery again to re-purchase from themselves and friends such lots as they feared they might not otherwise sell.

That the bonds issued for the re-purchase of lots which, in equity, always belonged to the cemetery, should be declared void, as they have been issued for no consideration.

That over 12,000 of the best lots in the cemetery have been almost lost to it as far as the nominal sums received at the time of pretended

sale is concerned, but have been a detriment, as they have been ever since offered for resale in competition with the cemetery in the hands of individual trustees, "pools of trustees," undertakers, stonecutters, grocers, plumbers and others with whom the trustees have traded.

We have said all we need to say, on these charges, only the price realized on these wholesale sales of plots were as much as the plots were then worth, and in most instances, with the interest added are in the aggregate more than can be realized to day.

The lots we have repurchased from Driggs did not pay him more than two-thirds their cost and interest.

That the first trustees perpetrated a fraud, by which they expected to realize about half a million of dollars out of the bonds, besides a large amount of money on the profits made by selling lots to themselves at a very low price and re-selling at a high price.

If this was their expectation they were disappointed.

The charge that Driggs and Miles got plots for their \$3,250 advanced to Cromwell otherwise than in the bond exchange is not sustained by any information I have been able to obtain.

JOHN M. STEARNS.

EXHIBIT No. 2.

August 26, 1880.

IN THE MATTER OF THE CYPRESS HILL CEMETERY.

Statements and arguments presented to the Attorney General as to the old Britton suit and the application for leave to commence a new suit.

John M. Stearns, *Attorney for Cypress Hill Cemetery and Trustees.*

It seems unreasonable that the five out of the seven trustees of the Cypress Hill Cemetery who have come into office within the last four years or since the commencement of the year 1874, should be sought to be held amenable to prosecution for any or all the acts of their predecessors in office. And hence, we object to having our time and labor taxed to investigate matters as to which the majority of the existing board have had no responsibilities whatever. Admitting all the allegations set out in the complaint in an old litigation to be strictly true, what has the existing board to do about them?

A majority of those who acted in those matters are dead, and all but two have ceased to be trustees. Besides we hold these old matters to be conducted by a litigation and judgment entered thereon, no matter if such judgment were a matter of compromise and settlement, and costs and counsel fees were paid on such settlement. A notice of such judgment was duly served on the representatives of the then attorney general who representing the people of the State was bound to have appealed from the judgment within the time provided by law. Or if there had been any irregularity in the proceedings a motion to correct them or set them aside with the judgment if made at all must have been made within a year from the notice of the judgment. But on an allegation of fraud in the entry of that judgment a motion was made more than a year ago, to set it aside. This motion was denied and a copy of the order entered on such denial was served on the attorney general, with a demand of the ten dollars costs allowed. We were referred to Judge Coots who had indemnified the State for these costs but the ten dollars has never been paid, and for aught that I can see,

the instigators of this proceeding are in contempt of court. No appeal was taken from said order.

We hold then with justice to ourselves, and in strict accordance with public policy, all the matters embraced in the complaint in that old suit are *res adjudicata* and no new suit can be predicated on them. Then take the old complaint of which I have a copy, save yourself the trouble of investigating its allegations from original sources, find them true as they may be, and what can you do about the matter?

You can find no court in this State or the United States that will or can disturb that record.

The real source of difficulties affecting all the rural cemeteries in the State is the attempt to subject their management to the laws applicable to eleemosynary charities, while in fact none of them have inherited or acquired the usual foundation for such charities. The only property on which they have been started is the difference between the cost of agricultural lands adapted to their purposes and the value of such land when impressed with the franchises of a rural cemetery.

In fact the provisions of the law contemplate the buying of the land on *credit* and the setting apart of a portion of the proceeds of lots sold to pay such indebtedness. And we are left to the uncertainty in case no income beyond current expenses is realized, whether the indebtedness for land is to be repudiated, postponed or whether such debt may be enforced as against the property of the corporation?

While debt and credit entered into the constitution of these incorporations its old trustees and managers had the weakness, to presume what adjudications in other cases have proved and settled "that the lands and franchises of these corporations are liable for their debts subject however to the rights already alienated to plot holders purchased for use in such cemeteries. The Evergreen Cemetery passed in its franchises and lands to its present managers by a sale of its assets and franchises under a judgment remitted from the Court of Appeals.

It is a difficulty and a hardship to apply laws settled for the management of a well-endowed and established charity, to institutions predicated for success by the law itself creating them, on speculative, uncertain profits, hoped to be realized in their future development and business management, so that every make-shift to cover emergencies in their financial condition is to expose to condemnation acts that would be esteemed as dictated by prudence and consistent with justice and right in the absence of such distorted law.

In apology for our predecessors in the office of trustees, we say, those who wish to go back for thirty years and charge corrupt motives on the dead, are bound to show us how the financial emergencies of those early days of the history of the Cypress Hill Cemetery could have been provided for without using burial plots as assets on which to raise money. If the law had provided then as since for the creation of stock or the issuing of certificates of indebtedness on bonds to realize a working capital, to make improvements and to run the concern, there would be less excuse or apology for their having sold plots or certificates to pay current expenses or to raise money. The then trustees parted with what the cemetery had to meet its debts and expenses.

That any profit has been made on the whole by any of the old trustees, who advanced money and took plots for re-sale, is emphatically denied. There is not a holder of those plots on certificates, trustee or otherwise, who might not well be glad to get back his origi-

nal money and interest. In all cases, where these certificates were issued by the trustees to their co-trustees, the books show a subsisting indebtedness equivalent to the then value of the plots so acquired. This being so it is not singular that their co-trustees and their successors should suppose that honor required them to protect the titles in the certificates for which the money of the holders was advanced and paid, whether such holders had been trustees or otherwise. They believed the acts of their predecessors done in good faith in behalf of the corporation. This consideration has been an inducement to settle two law-suits to the seeming disadvantage of the corporation. Because those law-suits operated or sought to confiscate the titles for which the cemetery had received an equivalent in money in its early emergencies. If any honor is to be acquired by proceedings to vacate these certificate titles without restoring to their holders the money they have cost and interest, those who are now so fierce to stir up a litigation to this end are welcome to it.

But while the existing management excuse and apologize for the acts of the predecessors, and have favored legislation that *validates* as against all the world the titles held in certificates of plots in private hands for re-sale, the existing condition of the institution, growing out of the issuing of these certificates, and their holding in private hands, we regard as a special misfortune to the cemetery that has grown out of the omission in the law of any provisions to facilitate the financial management of rural cemeteries.

The present trustees have experienced too severely the competition in the sale of plots held under certificates and in the sale of such as belong to the cemetery. They have for the last five years assiduously addressed themselves to the devising of some plan that should be just to the holders of these certificates, and restore these certificates and plots to the corporation. In 1875 a bill was introduced into the legislature providing for the creation of a stock not exceeding three hundred and fifty thousand dollars, providing that the trustees might negotiate for the surrender of the certificates at a price not exceeding \$30 each. In case parties could not agree, then arbitration could be resorted to, or a judicial commission could be appointed to condemn these certificate rights under the act authorizing such condemnation of lands for burial purposes, who should fix the compensation to be paid. The stock to be sold at not less than par to pay for the plots so to be required by the corporation. The cost and interest paid for these plots at that time amounted to some \$33.

The committee on charitable institutions refused to report the bill at the instigation of the holders of some of these plots, but as a sort of compromise they passed chap. 356 of the Laws of 1875, authorizing the issuing of bonds to any amount not exceeding \$250,000, to purchase in these outstanding plots at a price not exceeding \$30 each, so validating these certificates in private hands.

Under this act we have purchased about 320 plots from the late John J. Van Alst, now deceased, issuing bonds therefore; also of Edmund Driggs, about 470 plots. Plots at \$21 each, amounting to the sum of \$10,000, and brief statements of the condition of the cemetery at this time as to its several burial plots will show reasons for the efforts of the existing trustees to relieve the institution from the

anomalous condition as to private and corporate rights in the premises operating as conflicting interests.

The cemetery contains about 300 acres of land which is surveyed into about 19,500 burial plots. Of these plots about 5,000 have been sold for use or fitted up as family burial plots. From 5,000 to 6,000 are still in the hands of the cemetery, subject to sale, including 320 bought of John J. Van Alst; about 470, bought of Edmund Driggs; and lots bought of Daniel Sanford; 500 held in trust for the heirs of Rev. Harvey Housted; 900 held as representing the care fund of the cemetery.

An inspection of the map will show in colors these lots within the control of the cemetery. Of the outstanding certificates, about 3,500 are held by William Miles; 1,200 by A. S. Jarvis; 500 by P. T. Barnum; 600 by the estate of Wm. J. Pease.

The mischiefs affecting the management from these outstanding titles of plots for sale are the competition in the selling prices of plots, the diversion of income from the corporation, and the advantages taken by these private owners of improvements made by the cemetery without contributing to the expenses of such improvements. If some paths leading through the dense woods in the grounds were cut out and improved, perhaps not a dozen plots bordering the improvement would belong to the cemetery, so the cemetery would incur all the expense and private parties would reap most of the advantages. To meet such a condition of things the act of the legislature, chapter 472, Laws of 1877, was passed. A tax has been regularly laid under this law, affecting only lots held for resale or for speculation. This tax will be enforced. If the act does not set out sufficient remedies, future legislation may supply the defects. But in my judgment, while the lien of the tax on the plots taxed, is declared, the courts, by special judgment in each case, could order the plots taxed sold to satisfy the lien.

The payment of this tax would produce to the treasury of the cemetery some seven thousand five hundred dollars applicable to the developing the grounds in a condition for sale. Whether the owners of these certificate plots be inside the board or without, the courtesy to their rights and the careful and expensive measures that the corporation have taken for their protection justify the strongest measures for enforcing the payment of this tax, and, so far as I know the purposes of the existing management, this matter will be pursued without fear or favor. I subjoin in conclusion the financial statement for the current year. I also add a statement of the care fund so far as the books of the cemetery give us facts.

It seems the competition of outside holders of plot certificates for sale has at some time induced the cemetery to set apart \$20 out of the proceeds of each plot sold for the perpetual care of such plot, so what is known as the care fund is chiefly a tax on the legitimate income of the cemetery instead of contributions actually paid by the plot holder. No more care fund certificates are to be issued unless specially paid for.

The foregoing exhibits were ordered on file.

Exhibit No. 3 was received and placed on file.

EXHIBIT No. 3.

August 26, 1880.

To the Honorable Committee:

I would respectfully submit the following proposition for your consideration :

I will employ a competent accountant to go over the books, papers and accounts of the cemetery and prepare a statement, which will simplify and facilitate the labors of your committee immensely, and to be made up as follows :

First. The number of acres in the cemetery, what the original owners received, and the cemetery had to pay for the same.

Second. The number of lots surveyed out of these lands.

The whole number of lots disposed of, and the number not disposed of.

The number of lots which have been conveyed by deeds by the cemetery for burial purposes only, and the considerations mentioned in said deeds.

The number taken by each and every trustee for loans, and the amount loaned by each trustee.

The amounts received by each trustee for lots sold by him and on his account, and the profits made by each by these transactions.

The number of lots repurchased by the cemetery, the consideration received by the cemetery originally, the amount paid to repurchase, the profits or loss to the cemetery by transfer.

The number of lots taken by individual trustees on other pretexts, the consideration allowed therefor, and the profits received by them on such transactions.

Third. The amounts received by the cemetery from all sources and the amount of receipts from each source.

Fourth. The total amount of expenditure to date, and for what purpose expended.

The said statement to contain references which will enable the committee to verify the same without difficulty.

All of which is most respectfully submitted.

GEO. W. PALMER.

John Fregaskis, of the city of Brooklyn, county of Kings, being duly sworn, deposes and says as follows :

(Exhibit No. 4.)

Mr. Stearns, of counsel for corporation, objected to the admission of above Exhibit No. 4.

Objection noted.

On motion of Mr. Russell the affidavit of John Fregaskis was not received. (Exhibit No. 4.)

Messrs. Wren, Russell and Lindsay voting no to receive, and Mr. E. D. Benedict to receive.

Adjourned to meet at court-house Monday, August 30, 1880, at two P. M.

GEORGE WREN,
Chairman.

COUNTY COURT-HOUSE, KINGS COUNTY.

August 30, 1880 — 2 P. M. }

Mr. WREN, of the Committee, present.

John M. Stearns, being called by Counsellor Cook and sworn, deposes and says :

"I reside at 130, 4th street, Brooklyn, E. D.; I am one of the trustees of the Cypress Hill Cemetery Association; have been a trustee since the first part of January, 1875, or last part of 1874; I have acted as counsel for the corporation since I have been trustee, and prior to that time for about six months; I understood that Mr. Driggs held certificates of plots for re-sale, to the number of 460 to 470; the general mode was for the holders of these certificates to sell the plots, and obtain deeds from the Cemetery for the purchaser; deeds have been given by the Cemetery Association for these certificates of re-sale since I have been a trustee; they are given now; I do not know what consideration was given for these outstanding certificates, only that which the record shows; the original consideration for a portion of these certificates was the \$480,000 of bonds issued in 1848 or 1849; the other consideration for the rest portion of the certificates was borrowed money or services as connected with the original bonds; when I speak of borrowed money, I mean money advanced previous to the issuance of the certificates; I do not understand that Messrs. Driggs, Niles and Pease received plots in addition to the certificates for the amounts of their loans; it appears by the record that all the bonds which the trustees could control were placed in the hands of Mr. Cromwell as collaterals, and while they were there Mr. Driggs advanced \$3,250, which went into Cromwell's hands for the liquidation of the original mortgage; when the bonds were retired and certificates were issued, Mr. Driggs received plots at the same rate as was allowed for the other bonds; the face value of the bonds was \$30,000; the bonds were retired in exchange for plots at \$60 each, for 400 superficial feet, without interest being allowed on the bonds; the association has bought all the certificates Mr. Driggs had, at the rate of \$21 each; thus, under the act of the legislature of 1875, authorizing the corporation to purchase the outstanding certificates of plots for re-sale at not more than \$30 each; Mr. Driggs had about 470 certificates which the corporation paid for in interest-bearing bonds; the bonds held by Mr. Driggs amount to about \$10,000, on that sale; interest is being paid, I understand, on these bonds.

By Mr. COOK :

Please state how you and the other trustees reconcile it with your duty to pay interest on these \$10,000 worth of bonds, when according to your own understanding the whole consideration paid by Mr. Driggs was less than half this amount?

A. I object to answer this question in that connection, because there were several transactions in connection with the transfer of these bonds, which have not yet been gone through with. We paid \$21 each for the plots in 1879, the plots having each cost in principal and interest something over \$40, each, so far as those held by Mr. Driggs was concerned. Before the issuance of the bonds in 1879, being

familiar with the affairs of the cemetery, I thought the title of the certificate plots was valid and had a legal consideration at the time they were issued. I investigated the consideration so far as Mr. Driggs was concerned. Never had a suspicion, and do not now think that he had been paid prior to that date.

By Mr. Cook :

Q. Did you take into consideration at that time the resolution of July 8th, 1855 ?

(Copy of Minutes of July 9, 1855).

(Exhibit No. 1, Aug. 30, '80, S. W.)

No. 1. I paid no special attention to the minutes referred to.

JOHN M. STEARNS.

During examination Mr. Lindsay arrived and sat in committee.

Adjournment to meet at same place Monday, Sept. 13, at 2 P. M.
GEORGE WREN.

EXHIBIT NO. 1.—AUG. 30, '80, G. W.

OFFICE OF THE CYPRESS HILL CEMETERY, }
MONDAY, July 9, 1855. }

The board met. Present — Messrs. Driggs, Nellis, Jarvis, Pease and Miles.

The minutes of the last meeting and the statement of receipts and payments were read and approved.

The vice-president stated to the board that deeds for cemetery lots had been issued to Wm. J. Pease, William Niles and Edmund Driggs, for cash advanced, and the bonds given for the same returned and cancelled.

Whereupon the following resolution was offered by Mr. Pease and seconded by Mr. Jarvis :

Resolved, That the deeds issued to Wm. J. Pease, Wm. Mills and Edmund Driggs, as described in register of deeds,, dated July 6th, 1865, in cancelment of their bonds given for moneys loaned and cash advanced to the cemetery in accordance with resolutions relating to the same, be, and is hereby approved by this board.

The ayes and nays being called for, Messrs. Miles, Jarvis, Pease and Driggs voted in the affirmative, and Mr. Nellis in the negative, and it was carried, and the board adjourned.

(Signed)

T. DOBBES,
Secretary.

KINGS COUNTY COURT-HOUSE, }
September 13, 1880, 2 P. M. }

PRESENT — Messrs. Wren and E. D. Benedict.

Mr. Stevens offered the following memorandum of the 64 acres added to the cemetery in 1856.

[Assem. Doc. No. 14.]

EXHIBIT No. 1, SEPTEMBER 13, 1880.
Sixty-four acres purchased from Edward Henwood by the Cemetery.

FORMER OWNER.	Acres.	Roods.	Perches.	Consideration.	Recorded in Queens County Clerk's Office.
William Lawrence	3	.....	.....	\$1,100 00	Liber 110, pages 306-316.
Daniel North	3	.....	25	181 25	do 107, page 263.
Samuel Morris	8 ¹⁵ / ₁₀₀	.....	.....	1,750 00	do 103, do 125.
John Clark	2	.....	.....	500 00	do 103, do 26.
John Forbill and others	3 ² / ₁₀₀	.....	.....	986 00	do 129, do 161.
Joseph H. Remsen	13	.....	20	6,812 50	do 114, pages 229-294.
William Forbill	5 ³⁴ / ₁₀₀	.....	.....	1,167 00	do 133, page 488.
Joseph Thompson	12 ³⁴ / ₁₀₀	.....	.....	4,946 00	do 106, do 130.
Nicholas Wyckoff	2 ⁵ / ₁₀₀	.....	.....	885 00	do 106, do 128.
Abraham Storm	3	.....	25	185 54	do 107, do 407.
Cornelius Morris	3 ⁴⁴ / ₁₀₀	.....	.....	1,032 00	do 114, do 418.
E. Driggs and others	2	.....	21 rods.	1,150 00	do 108, do 312.
				\$20,695 29	

Exhibits A, B, C and D, September 13, 1880, introduced by Mr. Stearns.

(Copies of deeds, etc.; found not necessary by the committee and not included at this stage of the report.)

Mr. Stearns offered Exhibit E, a bond for \$4,539.42 as follows—
(Indorsement).

No. 183.

The Cypress Hill Cemetery to William J. Pease.

Bond \$4,539.42 cancelled July 6, 1855. Deeds Nos. 1540, 1541, 1542, for 318 cemetery lots issued in lieu of this in accordance with resolutions relating to the same. See minutes of September 7, 1854 and January 24, 1855, also July 9, 1855.

[Copy]

J. DOBBS.

Also Exhibit F—bond for \$4,530.45 to Edmund Driggs (same recital as Exhibit E.

Also Exhibit G—bond dated December 18, 1849, for \$925.70.

Also Exhibit H—bond dated December 5, 1850, for \$1,500.

Also Exhibit I—receipt of William Miles, dated July 6, 1855, for two above bonds Exhibits G and H and \$1,581.56.

John T. Runcie, being duly sworn deposes, and says:

I reside at No. 92 Fifth street, Brooklyn, E. D. I have been connected with the Cypress Hill Cemetery Association since July 1875, as trustee, managing trustee and controller. I have made an examination of the books of the concern. The following statement is correct according to the books:

The whole number of lots owned by the cemetery including the care fund is 5,624.

There has been sold of cemetery lots since November 16, 1875, 148½ lots requiring 270 deeds.

The total number of deeds issued during that time is 537.

The number of lots purchased since November 16, 1875, is 870.

There are in the care fund 627 full lots, 400 half lots and 333 quarter lots.

The total amount of cash received from November 16,

1875, to August 16, 1880, four years and nine months is. \$93,268 99

Pay roll and salaries for the same time..... 73,027 60

\$20,241 39

Total amount of cash received from all sources for the

year ending September 1, 1875..... \$19,638 75

Pay roll and salaries for the same time..... 20,269 25

Deficiency for 1875..... \$630 50

Total amount of cash received from all sources for the

year ending July 1, 1880..... \$19,816 38

Pay roll and salaries for the same time..... 13,822 38

Excess for 1880..... \$5,994 00

JOHN T. RUNCIE.

The conduct of the cemetery since I have been connected with it has been proper and economical; prior to that time I know of its management only from the books; the above statement only includes the labor items, and not for tools and interest; I have given vouchers for all moneys received by me, and have vouchers for all moneys I have expended; the holding of plots by private owners for resale is a great injury to the management; these plots come into competition with the plots held and owned by the cemetery and affect the sale of the plots held by the cemetery; private holders of plots for resale contribute nothing toward making general improvements on the grounds; the corporation make all the paths and avenues, and such as are made enhance the value of plots contiguous for sale; the large majority of which belong to private parties.

JOHN T. RUNCIE.

William Edwards, being duly sworn, deposes and says:

I reside at 154 South Eighth street, Brooklyn, E. D.; I am secretary of the Cypress Hill Association; became secretary September 17, 1857.

Witness at request of Counsellor Cook referred to cash book.
(Witness resuming.)

By Mr. Cook:

Please examine the cash book of the cemetery and state the total amount of money advanced by Edward Driggs to the cemetery from its organization to and including July 9, 1855; also the money repaid him by the cemetery?

A. I cannot answer now, but will post the account and answer at some future time.

Counsellor Stearns said that in addition to the \$10,000 bonds issued to Mr. Driggs, under the law of 1875, there were issued to him, Driggs, prior to the \$10,000 transaction, \$2,000 of bonds to Driggs, and \$2,000 of bonds to Mr. Miles. The cemetery received therefor the surrender of floating certificates of unlocated plots. Immediately after the passage of the law of 1875, the cemetery issued bonds to John I. Van Alst for \$10,000 worth of cemetery plots at \$30 each. No one else now holds cemetery bonds. Mr. Miles holds about 3,500 plots. Some of them he got on the surrender of bonds, and others he bought of various parties. Miles paid \$3,250 originally for the bonds, that is nominally. Cornwall did not pay, according to the books, for the bonds he got. The other first trustees do not appear to have paid for the bonds they got; they seem to have made some advances in money, but these loans were liquidated afterward by plots at \$15 each. Some of these plots Miles obtained from C. Edwards Lester, and the latter did not pay for these plots. I find in the minutes, page 133, March 13, 1852, that the consent of the association was granted to C. Edwards Lester to assign the certificate of 300 lots as collateral security to Wm. Miles for the payment of the sum of \$2,200, as per private agreement as between said Lester and Miles.

These plots seem to have been hypothecated, and I do not know that they were ever redeemed. I know of no other entry of transfer as between these parties.

Counselor Cook put in as evidence an entry of the blotter for deeds July 6, 1855.

Exhibit K — September 13, 1880.*

Mr. Stearns put in evidence the following :

EXHIBIT L, SEPT. 13, 1880.

At a meeting of the board of trustees of the Cypress Hill Cemetery, held September 6, 1854, trustees present, Driggs, Pease, Nellis and Miles. The following resolutions were read and carried, viz.:

Resolved, That the general agent be and is hereby instructed to sell four hundred cemetery lots, at a rate not less than fifteen dollars per lot, with the condition that the purchaser agrees to sell back said plots at any time within one year from the date of sale, at the same rate with interest upon the amount of purchase.

Resolved, That the proceeds of sale be paid to the treasurer, who is hereby authorized and empowered to convert the same to the discharge of any debts against the cemetery incurred by the loan, made for account of the same. All passed."

Adjourned.

(Signed)

WM. MILES, *Secretary*.

At a regular meeting of the trustees of the Cypress Hill Cemetery, January 24, 1855, trustees present, C. T. Cromwell, William Miles, William J. Pease and E. Driggs.

On motion of Mr. Miles:

Resolved, That the bond made by this association, payable to Edmund Driggs, for forty-five hundred and thirty dollars and forty-five cents (\$4,530.45), dated the 15th day of October, 1854, payable one year from date, for cash advanced to the cemetery for cemetery purposes, be and is hereby approved by this board, and ordered to be paid by the treasurer. Also

Resolved, That a bond of the same date as the above described, payable to Wm. J. Pease, one year from the 15th day of October, 1854, for forty-five hundred and thirty-nine dollars and forty-two cents (\$4,539.42), be approved and ordered paid by the treasurer. Adopted.

On motion of Mr. Edmund Driggs:

Resolved, That William Miles be and is hereby requested to make out his account against the cemetery for cash advanced, at his earliest convenience, in order that the same may be settled.

Minutes signed by

WM. MILES, *Secretary*.

Adjourned until Friday September 17, at 2 P. M.

GEORGE WREN.

*NOTE.—Exhibit K, not taken by committee, as it was found to be immaterial.

September 17, 1880, 2 P. M. }
KINGS COUNTY COURT-HOUSE }

PRESENT — Assemblyman Wren.

Exhibit No. 1, September 17, 1880. Mr. Driggs' affidavit.

Mr. Cook objected to the portion of the affidavit bearing upon the transactions between Mr. Driggs and a Mr. Gerken, including a letter and alleged conversations between the above named.

Reserved decision until quorum present.

EXHIBIT NO. 1, SEPT. 17, '80.

Edmund Driggs, being duly sworn, testifies as follows :

I reside at 279 Washington avenue, Brooklyn.

Q. Please state your first connection with the Cypress Hill Cemetery Association, and your money transactions with that association ?

A. In 1849 I bought four lots of land for myself and brothers, and I paid for them, and buried a number of remains of deceased friends in the lots. The following year, 1850, I was induced by the representations of Mayor Woodhull, then the president of the cemetery, to buy an interest in the cemetery, and to become one of the trustees thereof. I was informed that the whole liability of the institution at that time was less than \$250,000. I did buy what was represented to me to be a \$30,000 interest in certain bonds, bearing seven per cent interest, which had been previously issued and hypothecated with Mr. Charles T. Cromwell, as security for money advanced by him to pay the original mortgage on the land purchased by the cemetery, and was informed that so soon as the advance made by Mr. Cromwell was paid up, the bonds would be released, and I would get my \$30,000. On those representations, I bought and paid \$3,250, cash, and to make me equal with the other trustees, I advanced \$1,500 cash for working capital for the cemetery, in addition to that. Soon after I became a trustee I ascertained that there had been issued previous to my election, which was in 1850, four hundred and eighty thousand dollars' worth of bonds, bearing seven per cent interest, and there was a floating debt of between thirty and forty thousand dollars, in addition to the bonds, making the liabilities all told over half a million of dollars. When I discovered this fact, I immediately went to Mayor Woodhull, then president of the cemetery, and told him what I had discovered, and that I had been swindled out of my money, and said it was an indebtedness which the institution could not carry, and the bonds were not worth a cent, and that unless my money was paid back to me, I would bear the loss, resign as trustee, and publish my reasons for so doing. I was prevailed upon not to take that step, on the promise that the bonds would all be called in and canceled. I was told then by the president that the \$3,250 which I paid for my interest in the bonds had gone to Mr. Cromwell to pay his advances, who held the bonds as security, and a similar amount, bought by William Miles, had also been paid to Mr. Cromwell, and the amount advanced by Cromwell was nearly paid up, and so soon as it was, the cemetery

would get possession of those bonds again, and they should be destroyed. All but two of them to my knowledge were destroyed, as I saw them burned in the grate, in the cemetery office, at the corner of Broadway and Warren street.

After the bonds were destroyed, a proposition was made to the owners of the bonds to take lots at \$60 each of four hundred superficial feet, for the face of the bonds, without interest. This was conceded to by nearly all of the owners of the bonds. It was claimed that I owned \$30,000 worth, for the money I paid, and that I was entitled, under that arrangement, to lots at \$60 a piece for the face of the bonds, without interest. I consented to take the lots, and certificates were issued to me for the same, amounting to five hundred lots. The \$3,250 I paid for these lots was a large advance to the cemetery on what the lots covered by the certificates cost. I also took lots at \$15 each for the \$1,500 cash I advanced for working capital. I also paid one-quarter of the cost of sixty-four acres of land purchased in the year . This land was deeded to the cemetery, and the four persons who purchased the same took certificates for lots of four hundred feet each, amounting in the aggregate to thirty-two acres of land, thereby donating thirty-two acres to the cemetery. My proportion of the thirty-two acres was eight acres, and this gave me lots to that extent, which made six hundred and forty cemetery lots. I also bought about that time, from the First Methodist Episcopal Church of Williamsburgh, about two hundred lots in said cemetery, of four hundred feet each. These lots the church had bought of the cemetery association on my recommendation, and paid \$20 a lot for them, cash. Afterward, the church became dissatisfied of their bargain, and thought they would rather have their money back, and to please them, I bought the lots back from them and paid them the full amount of money, with interest from the time they bought them. There was about two hundred lots in this purchase, the church had sold a few of them while they owned, and I paid them \$4,000 (including interest), for what they had left.

Q. Why was it that the deeds for the 64 acres of land were not taken direct to the cemetery association?

A. First, the association had no money to buy with. Myrtle avenue had shortly before that time been opened from the city limits to Jamaica, and came very near the land of the cemetery association and left various parcels, triangles and small pieces of land owned by several parties, and it was deemed advantageous that such pieces of land should be bought so that the cemetery could own or control them. They had no means of buying them, and for the purpose of aiding the cemetery we four men bought these pieces of land at various prices and paid for them, and afterward conveyed them to the cemetery through Mr. Henwood, the deeds of which have already been put in evidence before this committee, and by such conveyance, as I have already stated, the cemetery obtained 32 acres of land for nothing, and we who had paid for the 64 acres received only certificates for 32 acres, each having certificates for one-quarter of 32 acres alike.

I would like to state here that some fault has been found with conveying the 64 acres to the cemetery by a deed which expressed as the consideration of the conveyance \$64,000. This was done because parties owning the lands adjoining, Joseph Tompkins being one,

owning some 16 acres adjoining the 64 acres and fronting on the same avenue, asked and would not sell for less than \$1,000 an acre, and since that a part of this land has been sold at the rate of \$1,200 an acre. The stating of \$64,000 as the consideration in the deed made no difference whatever to the cemetery whether it was \$64,000 or \$164,000. It was all the same in reality as the cemetery paid nothing whatever, but merely took half the land as a gift and we held the other half as I have already stated.

Objection has also been made to our charging the cemetery interest on the 64 acres purchased. That sum allowed to us was called *interest*, but was in fact to pay us for our services in picking up, negotiating and obtaining titles to these various pieces of land which took about a year and a half of time, I cannot state precisely, and interest on the money which we advanced from time to time in making these purchases, and it was to make us whole to such an extent for our loss of time and services and interest on money actually expended, and this did not begin to pay us.

My next business transaction was as follows :

I entered into an agreement with them by which I was to render them exclusively, for one year, my services in managing the affairs of the cemetery, for which they agreed to pay me \$1,500 a year, and to take the position I resigned the office of president of the Williamsburgh City Insurance Company, which was a far better situation. I managed their affairs for the one year, and within that time closed up a large amount of their floating debts. I compromised and settled some \$30,000 of liabilities and debts, and although I fully performed the contract on my part, and my services were of advantage to the cemetery, they didn't pay me a dollar in cash although they agreed to do so, and they settled for the \$1,500 salary which they owed me by giving me cemetery lots at \$25 each.

I have already stated as to the destruction of all but two of the bonds which had been issued by the trustees for the cemetery, prior to my having any connection with it. It was the opinion of all at that time, that these two outstanding bonds were legal claims against the association and it was deemed advantageous to have those bonds taken up and canceled. William D. Kennedy held one of these bonds, which was for some \$2,500. After a negotiation which continued for months, at the request of the trustees, I succeeded, with the aid of Mr. Nellis, who was then the superintendent of the cemetery, in purchasing this bond of Kennedy for \$1,600, which sum I paid in cash, and was unable to get my money back from the cemetery, and to settle with them I had to take lots. It is now so long ago since the transaction, being twenty-five or twenty-seven years ago, that I am unable to state with precision the price at which I took these lots, but that price was either fifteen dollars a lot or twenty-five dollars a lot. I would much rather have had the \$1,600 returned to me than to have taken the lots, but I could get nothing else.

Very frequently, by reason of the crippled financial condition of the cemetery association, it became necessary for me to advance for them money for various purposes, such as paying for labor, shrubbery, flowers and ornamental trees; building a keeper's lodge, grass seed and agricultural tools, fencing, painting, building a bell tower and

various other things, so at times they would owe me quite a large amount of money, and when I would press them for payment, they would urge me to take lots, at no less than \$25 a lot, and this is all the payment I got for the money advanced by me; and it was necessary to make the advancements to keep the institution running. There never has been a month since I advanced the \$3,250, but that I have been willing and have so stated to the trustees over and over again: "Give me the money that I put in, with simple interest, and I will return to you all the certificates for lots which I have received from you." I have also always been willing to surrender my lot certificates to the cemetery on getting back my money actually paid out, with simple interest on it, and so anxious was I to get the lots back into the cemetery, that some seven years ago, I sold four hundred lots back to the cemetery at thirteen dollars a lot, which had cost me for money I paid and interest on it, I should say about \$30 a lot at that time.

A year and a half or two years ago, I sold to the cemetery association all the lots which I held (my family plot excepted), at the price of \$21 a lot, and took bonds of the cemetery in payment for the same, which bonds were issued under the provisions of the act of the legislature of 1875. These lots, which I sold back at twenty-one dollars a lot, stood me in much more than this price, and I think considerably over thirty dollars a lot.

Q. When you undertook to buy, as you express it, an interest in the cemetery, and for which you paid the \$3,250, had you any idea that the transaction was in any respect improper, or that any well-wisher of the cemetery could take objection to it? A. None whatever; on the contrary, I believe now, from my experience, that the money I advanced, and the moneys which Mr. Miles and the other trustees advanced, from their own private funds, saved the institution from bankruptcy, and the result is, that after thirty years' labor, the cemetery has improvements that cost over \$200,000, and owns about sixty-five hundred burial plots, and its entire indebtedness, including bonds issued under the afore-mentioned act of the legislature, is somewhere about \$50,000, I think not over that sum.

The average price of lots sold during the [past five years, by the cemetery, has been not less than a hundred and fifty dollars a lot. At this price, the six thousand five hundred lots would produce to the cemetery \$975,000, and many lots have been sold at nearly double that price. After deducting say fifty thousand dollars' indebtedness would leave property owned by the cemetery worth \$925,000.

Under the administration with which fault has been found, the cemetery has been retrieved from bankruptcy. There have been over one hundred and ten thousand interments made in the grounds. The cemetery has become thoroughly known and established, and the government of the United States having purchased a large plot of ground in the cemetery, have made it one of the national cemeteries, and have interred in it about four thousand of their dead soldiers.

I was president of the board of trustees of the association for about twenty-five years, and during that time I can safely say there was not one complaint a year from a lot-owner of any mismanagement of the affairs of the association, or of any neglect or inattention to the affairs of the cemetery, or to their private plots.

About a year ago I resigned the position as president, and since that

[Assem. Doc. No. 14.]

time have had no connection with the institution, except feeling friendly toward it, and the desire to aid it whenever an opportunity presents itself.

About April the 29th, 1880, while I was sick and confined to my room, I received a letter which read as follows :

“BROOKLYN, April 29, 1880.”

“EDMUND DRIGGS, Esq. :

“*Dear Sir* — A certain petition containing a request that a special committee be appointed by the legislature, who are to investigate all rural cemetery associations, and compel a restitution of the funds misapplied in their management, will be presented within a short time to the proper State officials, the signatures of lot-owners are annexed to the petition, and full particulars are expected to be given in public print. This whole arrangement is nearly complete, and will be as soon as a few more signatures are obtained. A grand success is entertained by those interested in the movement. Without the petition their calculations are wasted.

Yours truly,

“CHARLES GEERKIN.”

“88 TOMPKINS AVE.”

I made no answer to this letter, and some time thereafter a man called on me, at my house, and asked me if I had received his letter ; I told him I didn't know, as I didn't know who he was ; he told me his name was Charles Geerkin ; I told him I had received his letter ; he said he had received no answer ; I said I was unable to answer ; I was too sick at the time, and then I asked him what interest he had in investigating the affairs of the Cypress Hill Cemetery ; he said, in answer, that a large number of lot-owners had signed a petition to the legislature, then in session, to appoint a committee to investigate the management of that institution, and that he had the petition and papers in his possession, and that a large number had signed the petition, and he thought he had ought to call on me, as I was president of the cemetery, and let me know what was going on ; I told him I was not the president, and had not been for some time ; neither was I a trustee, but that I took a lively interest in the welfare of the institution, for I had been president for many years, and wished to see the institution prosper ; and then I asked him what his object was, or the object of the lot-owners ; well, he said, they felt very much dissatisfied, and they wanted to have something done about the matter ; I then asked him to show me the petition ; he said he couldn't do that, but he would read it to me ; he took out quite a bundle of papers, overhauled them, and took out the petition and read it to me ; it was a tissue of slander and falsehood about the cemetery, and praying the legislature to appoint a committee to investigate the affairs of the cemetery ; I then asked him to read the names of those who signed the petition ; this he refused to do ; then I asked how many had signed it ; he said he could not tell me that ; I then asked him if there were forty ; he said no, not so many as forty ; I then asked if there were thirty ; he said no, there weren't thirty ; I then asked if there were twenty ; he looked at the paper and said, about that number ; I remarked to him that that was a

very small percentage of five thousand lot-owners, and asked him what they proposed to do ; said I, let me know who they are ; can't do that, said he ; well, said I, if I guess some names will you tell me whether I guess right ; I am acquainted with a great many lot-owners ; well, he laughed and didn't say yes or no ; I then said have the Palmers, referring to George W. and Noyes G. Palmer, have they signed it ? Yes, they have ; well, I supposed so ; one of them we discharged for very good cause ; then he said, I hardly think this is a fair thing, and the whole matter could be stopped if a proper arrangement was made ; to that I responded, I think I understand you ; that for a consideration you would destroy these papers ; he said no, not destroy them, as they were not his, but he would put them where they would never see day-light ; I then said to him, I am not connected with the cemetery only as a friend, and said I was very sick and unable to talk business, but Mr. John T. Runcie was a trustee and comptroller of the cemetery.

It has been charged that I have made a large amount of money by my operations in the cemetery during the time I was officially connected with it. This charge I pronounce as absolutely false and without any foundation in truth. I gave to the cemetery some twenty-five years of my best business life, and did what I could to promote the best interests according to my honest convictions, and instead of making money, I am many thousand dollars out of pocket, and worse off financially than I would have been under ordinary circumstances, if I had never seen or heard of the institution. Where I have given dates and amounts in the foregoing, I have done so according to my best knowledge, recollection and belief.

EDMUND DRIGGS.

Mr. Driggs cross-examined by Mr. Cook :

When I made the foregoing statements I examined into my transactions with the cemetery sufficiently to satisfy myself as to the truth of the statement I had made, put in the neighborhood of \$20,000 ; did not examine as to number of lots, and bought from other parties ; could not tell exactly how many plots I received from the corporation without making calculations, as I received them at various prices ; I think I did not receive as many as 1,540 plots from the corporation ; I found out of the issuance of the \$480,000 of bonds a short time after my election as trustee ; I now hold bonds of the cemetery to the amount of about \$12,000 ; I gave plot certificates at the rate of \$21 per lot for this amount ; some of the plots were those I received ; I think for the \$3,250 I had advanced ; also plots I had received for \$1,500 I had advanced as working capital ; also some plots from the Methodist Church, for which I had paid \$4,000 ; also plots for salary for one year ; I gave all of the certificates I then had for the \$12,000 of bonds ; I received plots at \$60 each for the \$3,250 I advanced ; I got \$30,000 worth of bonds for the advance of \$3,250 ; the plots actually cost me about \$6.50 a plot, which was more than the land cost the cemetery ; I got five hundred plots ; I got other plots for the \$1,500 I advanced ; I sold some of these plots at retail, and gave away about twenty plots to clergymen and poor institutions ; don't think I sold half of the plots I held ; sold some of the plots as high as

\$100; don't recollect that I sold any as high as \$200, or \$150; may have done so; did sell an improved plot to Mr. Ditmas for \$250, but it was ninety-one feet fuller than an ordinary plot; I sold this plot originally to a Mr. Young, who made a small payment, perhaps \$100 upon it, but failed for a number of years to pay for it; by this I not only lost interest on the price of the lot, but on the improvements on the plot, amounting to about \$350; Mr. Ditmas, I think, paid me for the improvements; I think I sold one plot in that section 14 to James Rodwell; do not remember what I got for it, or that he bought more than one; I got the lots in section 14 I sold to Ditmas and Rodwell for moneys advanced about the time Noyes G. Palmer got lots in that section at \$25 each; I advanced enough money on lots I got in section 14 to make them come to \$25 each; do not know how many I got in section 14; I sold several plots besides those to Ditmas and Rodwell from section 14.

By Mr. STEARNS:

Out of the above 470 plots certificates I surrendered for the \$12,000 bonds there were but few plots in section 14; I do not know how many.

By Mr. COOK:

I was one of four trustees who bought the sixty-four acres referred to; we bought it for the cemetery, provided the association should ever be able to pay for it; Mr. Henwood conveyed it to the cemetery, subject to four mortgages aggregating \$64,000; about the time the sixty-four acres was conveyed to the cemetery the mortgages were canceled; each of the four took certificates of plots to cover eight acres of land; I put in sixteen acres I had paid for and took back eight acres, giving the cemetery eight acres; we put in the sixty-four acres for \$64,000, because the land adjoining was valued at \$1,000 per acre; we got the interest on \$64,000 for two years, this interest being in payment of interest on moneys expended and our time and labor in negotiating the sales of the different small parcels which made up the sixty-four acres.

William Edwards, recalled:

I have made an examination of the cash books, which is correct by the books for the dates upon the statement as to the cash account of Mr. Driggs with the association. The following is the statement:

EXHIBIT B.

September 17, 1880.

Cypress Hills Cemetery account with Edward Driggs.

1851.		Dr.	Cr.
Jan. 28.	To cash for four lots.....	\$100 00	
Mar. 20.	To cash for three graves.....	6 50	
25.	To cash for note	128 00	
Aug. 7.	To cash for note	218 25	

		<i>Dr.</i>	<i>Cr.</i>
1852.			
Jan.	13. To cash for wagon and harness.....	\$50 00	
Feb.	24. By cash.....		\$50 00
April	23. To money borrowed.....	110 00	
	23. By cash.....		110 00
May	28. To money for wall strips.....	32 12	
July	10. To money on account for lots.....	150 00	
	27. To money on bill for feed.....	114 51	
Aug.	17. To money on account for lots.....	99 12	
Sept.	4. To money on note.....	195 00	
Nov.	4. To cash loaned.....	100 00	
	4. By cash returned.....		50 00
	13. By cash returned.....		49 00
	27. To cash for feed.....	78 00	
Dec.	7. To cash.....	18 17	
	7. To cash loaned.....	100 00	
	21. By cash.....		100 00
1853.			
Feb.	3. To cash loaned.....	30 00	
	16. To cash loaned.....	24 00	
	10. To cash loaned.....	12 00	
	17. To cash for carriage hire.....	7 00	
	18. To cash for carriage hire.....	9 00	
1854.			
Mar.	14. Wanjer, Ferry & Hammond bill.....	193 96	
	14. Keith's bill.....	157 12	
	14. Keith's bill.....	80 00	
April	1. To loan to pay Woodhull note.....	1,200 00	
	8. To loan to pay labor.....	800 00	
Mar.	2. To loan.....	66 00	
	14. By cash, balance in hand.....		68 92
April	14. By cash.....		50 00
	15. To cash deposite in Nassau bank.....	2,000 00	
May	5. To check in Wm. Burgh's bank.....	150 00	
	17. To cash loaned.....	80 00	
	17. To cash loaned.....	230 00	
June	16. To check on Wm. Burgh's bank....	300 00	
	21. To cash loaned for fence.....	703 08	
	24. To cash loaned.....	235 00	
July	20. To cash loaned.....	900 00	
	20. By cash returned.....		900 00
Aug.	2. To cash loaned.....	300 00	
	17. By cash returned.....		703 08
	17. By cash, service in Albany.....		51 50
Sept.	11. To check.....	60 00	
	Balance.....		6,904 33
		<u>\$9,036 83</u>	<u>\$9,036 83</u>

Balance brought down..... \$6,904 33

1855.		Dr.	Cr.
Feb.	1. To cash loaned.....	\$175 00	
	12. To cash loaned.....	278 90	
	19. To cash loaned.....	100 00	
	28. By cash.....		\$553 90
Mar.	6. To cash loaned.....	200 00	
	9. To cash loaned.....	200 00	
	15. To cash for labor.....	105 93	
April	2. To cash, labor and expenses.....	71 15	
	4. To cash, sundries.....	65 88	
May	7. To cash loaned.....	275 00	
	8. By cash returned.....		275 00
	31. To cash loaned.....	200 00	
June	16. To cash loaned.....	200 00	
	29. By cash returned.....		200 00
	30. To cash loaned.....	200 00	
	Balance.....		7,947 29
		<hr/> \$8,976 19	<hr/> \$8,976 19

Adjourned until September 24, at 2 P. M., at the Kings County Court-House.

KINGS COUNTY COURT-HOUSE, }
FRIDAY, September 24, 1880. }

PRESENT—Messrs. Wren and E. D. Benedict.

Edmund Driggs, recalled:

I think it was 1850, when I became trustee; I discovered the existence of the \$480,000 worth of bonds after I became trustee. I never had one of these bonds in my possession and refused to receive them. When it was determined to settle with the other bondholders at \$60, apiece, it was adjudged I was entitled to \$30,000 at \$60 each, and the money I paid \$32.50 was equal to about \$6.50 each for plots I got and that was more than double what they cost the cemetery. I am not sure that it was resolved to give me the \$30,000 of plots by resolution of the board; think it was by action of a committee. Did not put my plots up ever in competition with those of the cemetery. On the contrary the cemetery often sold some of my plots and replaced them with others, the cemetery keeping the money for those sold. I sold lots to a Mr. Van Alst. Am not sure that these were part of the \$30,000 worth, some in sections 6 and 9. I did sell some of these plots at an advance to private parties. Do not recollect about the passage of the resolution giving me \$30,000 of the plots. Do not remember a report of plot-owners stating that there were no bonds out at that time; I have stated that all were destroyed but two. Do not know what kind of bonds were destroyed. They were burned by Caleb S. Woodhull at the office corner of Broadway and Warren street. I was a trustee at the time of the Starkweather suit; cannot state positively who advanced the money to pay for the bonds in that suit. I think the trustees individually as well as the cemetery helped pay in the Starkweather case the avoid litigation. The counsel in that suit on part of cemetery was Charles Cromwell. The money was

paid in that case to liquidate payment for moneys advanced to the cemetery. After the decision of the Court of Appeals, the Starkweather people threatened litigation and the money was paid to avoid further expense and litigation to the cemetery. The secretary informs me that the cemetery did not pay any of the money to Starkweather. Do not remember that I advanced any money in the Starkweather matter. My impression is that we made individual notes and had them discounted and afterward paid them; think that the trustees did not get notes from cemetery, but it is possible they did; did not get plots at that time to compensate for the money paid. If I paid any of the expense to stop litigation, I paid it out of my own pocket and did not get it from the cemetery. I have no way of telling how much I obtained for plots I sold to private parties; kept no book account of these transactions, cannot estimate the amount. I gave many plots away to charities and poor persons. When I took the bonds in 1879, in settlement, it left me largely behind hand out of pocket.

By Mr. Cook:

Tell us how you are able to state you are out of pocket, when you cannot estimate how much you obtained for plots from private parties?

Mr. DRIGGS— When I sold the 400 plots to the cemetery some six or seven years ago, I sold them for \$13 a plot and in principal and interest they had cost me over \$30 a plot. When I sold the 470 at \$21 a plot in 1879, for which I took the bond, they had cost me in the neighborhood of \$40 each. I also lost money by being one of the principal ones in building the plank road, which benefited the cemetery. The road is four and a half miles long and it cost \$60,000, also when we bought the 64 acres it brought the cemetery down to Myrtle avenue. The trustees individually took stock in the Myrtle avenue road to Jamaica, and besides losing our stock had to pay moneys in suits besides. The plots I sold for \$13 each aggregated in number about 400 to 430 plots. I think I sold about 300 plots to Van Alst, and that was done to place them in the hands of one who would not hawk them as against those held by the cemetery; do not remember how much I got from Van Alst, but I sold them to him at cost; think I got more than \$2,000 from Van Alst.

Re-direct:

I kept such a run of my transactions at the time that I can now testify as fact that my transactions with the cemetery resulted in loss and not profit. I took \$5,500 stock in the two roads which were built and it was all lost, and in addition had to pay considerable in costs, I think \$500; could not tell how much profit on the Ditmas lot, perhaps counting interest and all I made \$100 to \$150 upon that transaction.

Mr. Wm. Edwards, recalled:

Cross-examined by Mr. Cook:

In the Starkweather case the old trustees paid Messrs. Driggs & Miles, I think paid over \$800 each in cash; they gave their notes in the first place, and did not get paid by the cemetery either in money or plots.

Mr. EDWARDS submitted the following:

EXHIBIT No. 1.

September 24, 1880.

Lots purchased from Edmund Driggs, December 1, 1878:

SECTION 1. Westminster Way, 120, 121, 122. Dante Path, 26, 27, 28.—6.

SECTION 3. 389, 408, 410, 412, 414, 438, 440, 448, 450.—9.

SECTION 7. 183, 246, 247, 248, 249, 250, 251, 252, 253, 268, 295, 296, 298, 307.—14.

SECTION 14. 301, 302, 303, 304, 305, 307, 308, 309, 310, 306, 822, 823, 824, 434, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1668, 1669, 1671, 1672, 1673, 1674, 1689, 1690, 1691, 1692, 1727, 1728, 1729, 5742.—38.

SECTION 15. 152, 154, 155, 156, 157, 158, 159, 160, 161, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 575, 676, 677, 678, 679, 680, 681, 682, 683, 684, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844.—179.

SECTION 16. 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 130, 140, 141, 142, 143, 144, 145, 146, 147, 148, 186, 187, 188, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188.—223.

SECTION 17. 274, 275, 276, 277, 278.—5.

RECAPITULATION.

SECTION 1.....	6
“ 3.....	9
“ 7.....	14
“ 14.....	38
“ 15.....	179
“ 16.....	223
“ 17.....	5
Total.....	474

William Edwards, recalled :

Only twelve of the 470 plots bought of Driggs in 1879 were of the original bond plots under the \$480,000 bonds.

Adjourned until November 5, at 2 P. M., at office of cemetery, Grand street and Bowery.

GEORGE WREN.

OFFICE CYPRESS HILL CEMETERY ASSOCIATION,
GRAND ST. AND BOWERY, NEW YORK CITY,
November 5, 1880. }

PRESENT—Messrs. Wren and E. D. Benedict.

Adjourned until November 11, same place.

OFFICE CYPRESS HILL CEMETERY ASSOCIATION,
GRAND ST. AND BOWERY, NEW YORK CITY,
November 11, 1880. }

PRESENT—Messrs. Wren, Clows and E. D. Benedict of the committee.

Mr. John T. Runcie, recalled and the following affidavit was filed.

EXHIBIT A.

November 11, 1880.

On or about the 30th day of April, 1880, I received a letter from Mr. Edmund Driggs inclosing a letter from Mr. Charles Geerken, of which the following is a copy.

"EDMUND DRIGGS, Esq. :

"DEAR SIR— A certain petition containing a request that a special committee be appointed by the legislature who are to investigate all rural cemetery associations, and compel a restitution of the funds misapplied in their management, will be presented within a short time to proper State officials, the signatures of lot-owners are annexed to the petition and full particulars are expected to be given in public print. This whole arrangement is nearly complete, and will be as soon as a few more signatures are obtained. A grand success is entertained by those interested in the movement ; without the petition their calculations are wasted.

" Yours truly,

" CHARLES GEERKEN,
" 88 Tompkins avenue."

About nine o'clock, P. M., May 5, 1880, a man who said his name was Geerken, and that he had written a letter to Mr. Edmund Driggs in relation to the proceedings to be taken to obtain a committee to investigate the affairs of all rural cemeteries, particularly the Evergreen and Cypress Hill, that the movement was inaugurated by some prominent politicians who were anxious to handle the funds of the institutions, and to make situations for themselves and their friends. I asked him who applied for this investigation? He replied that one of the parties was a prominent candidate for the office of commissioner

of the board of city works, at the time Mr. Hazzard was appointed, the name of another party is Myers, also Palmer and others whom he was not at liberty to name. He also said that Mr. Schroeder had promised to get the committee appointed if forty signatures of lot-owners were obtained to the petition, and that Mr. Talmage and other members of the legislature from Kings county favored the movement, that all the signatures required had been obtained, and that they were in the hands of one man who could be managed, that if the petition was destroyed it would be too late to do any thing this session, and that to have the papers destroyed would cost five hundred dollars, and to this he required an immediate answer. I promised to lay his proposition before the trustees on Tuesday, May 11. I said I would oppose the payment of any money whatever and I did not think the trustees would take such a proposition into consideration.

On Wednesday evening, May 12, he again called to ascertain what the trustees had done; I informed him that there was no meeting of the board. He then wished me to make him an offer if he would go away with the petition and remain until after the legislature adjourned. I replied that the trustees did not fear any investigation which could be made, but I would pay part of the expense of the committee if they would make and publish a truthful report.

JOHN T. RUNCIE.

Wm. Miles, being duly sworn, deposes and says: I reside at No. 229 Henry street.

EXHIBIT B.

November 11, 1880.

William Miles, of the city and county of New York, being interrogated and duly sworn, deposeth and saith, that in the latter part of the year 1850, he purchased \$30,000 of the bonds of the Cypress Hills Cemetery upon the representation that there were purchase-money bonds given for land purchased by the cemetery; that their payment was founded upon the one-half of all the sales of the lots in the cemetery which might be slow, but that their ultimate payment was tolerably certain; and that the uncertainty of the time of their payment was the cause of their selling so low; that at the time he made his purchase, he was ignorant of the amount of bonds created, but that sometime after he made himself more particularly acquainted with their history and the amount of them; he found out that the cemetery had purchased from Abm. H. Van Wyck 125 acres of land, subject to a prior mortgage of \$10,000, and had turned over therefor to Mr. Van Wyck as a purchase-money consideration \$480,000 of cemetery bonds and some 485 cemetery lots; that a large amount of these bonds had been either sold, traded away or pledged to raise money, and that the financial condition of the cemetery was in a very unsatisfactory state; that upon this discovery he had a consultation with some of the trustees of the cemetery in regard thereto; that a meeting of the trustees and bondholders was, in consequence, called for the purpose of taking some action to correct what had been done, and relieving the cemetery from its embarrassments, the result of which was that the bondholders agreed to surrender their bonds back to the cemetery and take ceme-

tery lots in lieu of them, and of all claims growing out of them; but that the lots so given should not exceed one-half the land purchased by them, so as to comply with the act passed April, 1847, for the incorporation of rural cemeteries by which "one-half of the proceeds of all sales of lots or plats shall be *first* appropriated to the payment of the purchase of the lands acquired by the association until the whole of the purchase-money shall be paid."

In making this arrangement it was found necessary to use the bonds as a factor, so as to allow those whose claims were substantial and those not so considered to share equally in the arrangement, and in order to procure a return of all the bonds to the cemetery; the injustice in this arrangement was among the bondholders themselves, it did not affect the interests of cemetery any.

It was agreed that in consideration of all the bonds being returned to the cemetery, and all claims growing out thereof, and of the bondholders causing the \$10,000 mortgage on the 125 acres to be satisfied by the payment thereof, and relinquishing all claims thereon, they were to receive 8,000 cemetery lots to be located on a tract of land recently purchased at a cost of about \$10,000, and on which there was a mortgage of \$8,000, leaving an equity therein of only about \$2,000; and also 485 lots (or about 5 acres) of unincumbered land; the total equity in the two parcels being perhaps about \$5,000; thus, the cemetery got 125 acres of cleared land free of incumbrance fronting on the Jamaica turnpike and a return of \$477,500 of bonds (\$2,500 being settled for in cash) in exchange for 8,485 lots (equal to, say, 85 acres) with an equity therein of about \$5,000.

This arrangement was, however, subsequently modified by the surrender on the part of the bondholders of *one-third* of the 8,000 lots to the cemetery to enable it to clear and improve said lands for cemetery purposes, thus making the *actual consideration* given the bondholders 5,334 lots heavily *incumbered*, and 485 lots unincumbered, equal all told, to a little over 53 acres, against 125 acres obtained by the cemetery therefor, or, compared in money as \$5,000 is to \$37,500, more or less. The 5,334 lots were put in the exchange at \$90 each, or \$480,006; they cost the cemetery less than \$1 each, and standing to the cemetery about \$5,000, their fair worth. The object was to be strictly within the intent and spirit of the law, and to study the best interests of the cemetery. A large proportion of the 5,334 lots remain in their original condition without any improvements, although 2,666 lots were surrendered to the cemetery to improve them.

I purchased in company with three of the trustees one-fourth of 64 acres of land, thought to be desirable for the cemetery, and after holding it a long while, and also after offering it to the cemetery at cost, put one-half of it into the cemetery free of charge. I have at all times been willing to sell to the cemetery all of the lots I own by being paid the price I paid for them and the interest thereon, and even for less. I own a large number of lots by reason of having purchased them of parties who were pressing them on the market at prices below those of the cemetery, in order to prevent competition with the cemetery.

I have been charged with having exchanged unimproved lots of little value, for improved lots of greater value, and thereby benefiting myself. This is an erroneous statement. I have never made such

exchange, but I acquiesced in an exchange by some of the trustees, they paying the cost of putting the lots they gave in exchange in the same condition as those they got. I considered the exchange a benefit rather than an injury to the cemetery.

The trustees for the past thirty years have been individual lenders of money and their credit to the cemetery, averaging for years \$15,000 to \$20,000 a year, without any kind of reward or pay beyond simple interest on the money they loaned to the cemetery; they have occasionally taken their pay for loans so made in lots, to relieve the cemetery from debt, when its receipts happened to be lighter than its expenses.

The cemetery has from time to time, as its resources permitted, purchased back a large number of lots with great advantage to its interests; it purchased for the Care Fund about one thousand lots at a cost of about twenty dollars a lot, or say \$20,000; it has sold less than fifty of the same for over \$8,000, or over an average of \$200 a lot. It purchased of Mr. Driggs 413 lots at twenty-one dollars a lot, some of which have been sold as high as \$400 and \$500 a lot by the cemetery.

Before the \$480,000 of bonds were called in and canceled, the cemetery was unable to pay its debts, or even its ordinary expenses, except by borrowing. It has now over and above enough to pay its debts, about 6,000 lots which retail at from \$150 to \$500 a lot.

When those of the trustees who took an active part in adopting measures for the return to the cemetery of the bonds and their cancellation, they had to deal with its affairs as a question of expediency, one that demanded prompt action, and rescuing what there was of it from a total wreck; the adjustment of its affairs and its reconstruction speak for the wisdom or otherwise thereof.

I know that the object was to act fairly and honestly in behalf of the cemetery's interests.

There have never been during the existence of the cemetery any salaries or perquisites paid to any officers except the secretary and the superintendent; these two and the employees at the cemetery are all who have ever been paid for their services. The present management of the cemetery I am satisfied is governed by the strictest integrity and a desire to economize.

The total outgoes are about \$2,000 less than its income; including interest paid upon its indebtedness the actual gain is greater than \$2,000. This has been caused in part by a reduction of salaries and expenses, and an increase in the pay for labor done for lot-owners. Hitherto the receipts for that labor have not paid its costs to the cemetery. This has, in my judgment, arisen from the want of a proper understanding on the part of the lot-owners as to their relationship to the cemetery, and perhaps from the want of a proper provision on the part of the trustees in regard thereto. I discovered in the early history of the cemetery that lot-owners who had purchased their lots at very low prices made no provision for the care of their lots and contributed no money therefor. The consequence was, that the cemetery derived no income, to speak of, to keep the walks, avenues, fences, buildings and what not in good and proper condition. That the proprietors of lots would either care for their lots themselves, or pay parties outside the cemetery for doing the work; thus depriving the cemetery of its

means of support. I proposed to meet this defect by an increase in the price of lots, and to lay aside a portion of the price paid therefor, sufficient to accumulate a *Care Fund*, the interest from which should be appropriated to the care of the lots forever. This fund owns now nearly 900 lots, which, at the rate at which they have been selling, will realize \$180,000. The present board, in my opinion, have unwisely abolished the plan of laying aside a portion of the sales as formerly provided for. Judging from many years of observation and study, my opinion is that when all the lots in the cemetery are sold and the owners are all dead and buried, they will be likely to go to decay and ruin. There are but few who, although they expend large sums of money in making improvements to their lots, ever make any provisions during their life-times for the care of their cemetery plats after they are gone; and but few of their heirs concern themselves much about the lots thereafter, even when large fortunes have been left them. Of course the cemetery has to bear the odium of neglect and the penalty growing out of it, of being compelled to sell lots at a reduced price and losing patronage and support thereby; and with that the ability and opportunity to cultivate a proper display of refinement and taste in honoring the resting-place of our ancestors.

I make these remarks in no spirit of unkind reflection on the lot-owners or the trustees, but simply to awaken the attention of both thereto. The lot proprietors should reflect and study upon this subject.

WM. MILES.

By COMMITTEE:

The corporation is in debt about \$60,000. That was caused chiefly in the purchase of plots from private holders and in the carrying on the floating indebtedness. We purchased \$10,000 worth from Mr. Van Alst, about 325 plots. About 464 from Mr. Driggs, these last at \$21.

Mr. Miles agreed to furnish a detailed statement as an addenda to his affidavit.

Adjourned until Tuesday, November 16, at 2 P. M., same place.

OFFICE OF CYPRESS HILL,
BOWERY AND GRAND STREET, }
November 16, 1880.

PRESENT—Messrs. Wren and E. D. Benedict.

Mr. Miles, additional affidavit filed.

EXHIBIT A.

November 16, 1880.

I have examined the last weekly official report of the cemetery which is up to the present time, and I find that the indebtedness amounts to \$57,918.37; this has been created by the purchase of 1,364½ cemetery lots at an average price of about \$25 per lot (say \$34,231.09), the

remainder (\$23,687.28) has grown out of various loans to pay deficiencies in the income of the cemetery from time to time as they might arise.

The assets of the cemetery to meet the foregoing indebtedness consists of about 6,000 cemetery lots, the selling price of which has averaged for the last five years over \$200 per lot, or (\$1,200,000), one million, two hundred thousand dollars ; it has some four miles of fencing ; twenty to thirty miles of road walks and avenues ; a large number of the lots are improved for selling purposes ; a large nursery, horses, etc., not considered above.

There is a disputed account between Mr. N. G. Palmer, late superintendent of the cemetery, and the cemetery, the cemetery claiming to have overpaid him, or rather that he overpaid himself on his salary, while he claims to the contrary. It probably is not very large either way. I do not know or think of any thing else to affect the above statement.

The cemetery, as I believe I have before stated, was organized without capital. It has been sustained and supported for the past thirty years (the period of its existence) by the sole efforts of the trustees, who have furnished all the means necessary to carry it along, and what there is of it is due to the individual exertions and the individual credit of a few trustees, who at the commencement of its affairs were in a position to lose what they risked.

It has been the custom for many years for the superintendent of the grounds to receive all the moneys paid thereat, and pay out of the same, first, his own salary, next, the men's wages, and bills that may have been contracted thereat, before sending in his reports to the trustees to act upon. This custom has, in my opinion, conflicted with a healthy and harmonious action in the management of the cemetery's affairs. Debts were thereby created which in all probability would have been avoided, if the trustees who had to assume the responsibility of providing for their payment had the entire say in making them ; at least there would have been no division of the responsibility for the consequences growing out of any error of judgment or ignorance in the matter. The debt, I think, would have been less if such had been the case. I do not mean to assert absolutely that it would have been so, but I am inclined to think so.

The receipts and expenses of the cemetery during the last five years have been about \$20,000 a year, including interest.

About five years ago, when Mr. Runcie was made manager, the cemetery owed \$36,473.25, including \$2,555.50 arrearage of wages of employees. The latter item increased to \$3,165.50, the following month after he took hold, to provide for which the trustees procured a discount at the bank and paid it off. For the first two years and a half the receipts continued to be insufficient to meet the current expenses, and Mr. Runcie took notes for his salary (\$2,000 a year), to the amount of \$5,300 (reduced since to \$5,000), thus \$8,165.50 of the present indebtedness was made through these two items. Since then he has, by a reduction of salaries and expenses, in great part been enabled to pay from the ordinary receipts of the cemetery all demands upon it of every kind (except the debt) and that has been reduced from about \$61,000 to about \$58,000.

When the cemetery was first established it suffered from the want

of good and proper roads to lead to and from the same. Carriages had to go across lots and be much delayed in consequence. The trustees thereupon purchased and obtained the right of way for a new road, much shorter in distance, and built thereon a first-class plank-road, and subsequently macadamized it; the entire cost of which was upwards of \$40,000 and was almost entirely paid for by the trustees out of their own money.

Since writing out my former statement, I have had placed in my hands a copy of the charges against the trustees of the cemetery as published in the *Brooklyn Times* of July 31, 1880, made by George W. Palmer; I believe I have answered the most important charges contained therein. Mr. Palmer is the brother of Noyes G. Palmer, the former superintendent of the cemetery, and was a few years back a disappointed applicant for the office of superintendent to fill the vacancy caused by his brother's retirement. He appears on the books of the cemetery as the owner of one lot, being the remainder of some 30 lots which he purchased and which were a part of the lots claimed by him to have been fraudulently given for bonds; and he, in behalf of himself and a few associates, have been engaged for several years to cause the removal of the board of trustees who were connected with the settlement of the \$480,000 bond transaction.

Some of the transactions of the trustees may not on their face appear well, but when fully explained and rightly understood they will appear without fault.

In relation to the Kennedy transaction I have no particular knowledge or recollection about it. In the matter of Starkweather, it was thus: Mr. Starkweather held a bond for \$2,500, growing out of some trade, with one of the trustees, as I understood. Starkweather subsequently died, and his representative, Mr. Douglass Campbell, claimed that he had no authority as such representative to take cemetery plots in payment as the other had done; the trustees having compromised and settled with all the other bondholders, except Mr. Campbell, went on for sometime and paid interest on his bond in the hopes that he would do as others had done; finally when the cemetery had ceased to pay interest he commenced suit for the collection of the principal, but was defeated. He then threatened legal proceedings against the trustees, which led to a settlement by which he was paid about \$10,000. Although the then members of the board had no hand in making or issuing the bond, yet it was deemed advisable to settle to save the cemetery the expense of carrying on the litigation and the public injury which would be the result thereof.

The cemetery paid half of that sum and the remainder was paid by Mr. Luther R. Marsh, one of the original trustees, Edmund Driggs, Wm. J. Pease and myself.

One of the trustees, Mr. H. G. Law, did purchase a small patch or strip of land to make a road to the north part of the cemetery, the particulars of which I forget; it was a small matter, however.

Regarding the donation of 126 plots to the United States government, the matter was thus: At the commencement of the war, when the troops were dying around and about New York, and the government was making provisions to bury their dead, Mr. Andrew J. Case applied to me to ascertain what the Cypress Hills Cemetery would charge a grave to bury United States soldiers, who had died in the service. I

stated to him that the cemetery would bury for the cost of opening and closing the graves, and make no charge for the land, and that if the cemetery was unwilling to donate whatever land was required, I would. The board afterward approved of my action.

If there is any thing wrong in this, I am prepared to make it good.

The cause of the increase of the indebtedness from \$36,473.25 in November, 1875, to \$57,918.37 at the present time, has been by the purchase of \$24,000 worth of lots (say 1,364½ lots, at an average price of about \$25 a lot) these, at that average, will bring \$272,900, some of them have already been sold as high as \$400 a lot. If they should bring one-fifth of the above amount, or \$5 a lot, it would pay off the indebtedness.

In answer to the question as to whether I consider the Cypress Hills cemetery a first-class cemetery as compared with Greenwood, I say, no; the prices in Greenwood for lots and interments are perhaps twice or three times those of Cypress Hills, consequently the latter has less money to spend in making improvements; but the location and grounds will compare favorably with Greenwood; if the style of improvements in Cypress Hills are behind Greenwood, the public have saved hundreds of thousands of dollars in the purchase of lots and the cost of interments.

Upwards of 4,000 soldiers who died in the hospitals around New York, from wounds received in the United States service in the late war, were buried or interred in the Cypress Hills Cemetery at the cost of opening and closing the graves, the land being donated free of charge. A large number of lots have also been donated by the trustees out of their own private property to charitable objects.

WM. MILES.

Mr. Miles continuing :

By Mr. STEARNS :

The practice of a divided responsibility in the management of the cemetery has been for many years; that is, the superintendent at the cemetery has been allowed to pay himself his salary, pay laborers, and other accounts out of the moneys he receives. A better plan would be for the superintendent to send all moneys to this office and deposit them, and draw for every thing when approved by the board or its officers. Do not know what the practice is now. As an instance, I believe that the amount of \$2,500 odd in arrears for wages at the time Mr. Runcie became manager would not have existed if the course I have suggested had been adopted. While Mr. Palmer was superintendent there was such a rule, but it was not lived up to. His neglect in this regard was I think one of the reasons for his removal as superintendent.

By Mr. E. D. BENEDICT :

I know Messrs. Pease and Driggs were appointed to sell those lots about 1852, there being no limit. They reported they could sell them at \$6 each, that they were unsaleable on account of the land being heavily mortgaged. I never heard that they sold plots for more than \$6 each.

In answer to Mr. Driggs, the witness Miles says that Mr. Driggs

said rather than sell his portion of the one-third plots at \$6 each, he, Driggs, would pay the money and keep the plots.

To Mr. Benedict the witness Miles said :

"That for the first money needed by the cemetery the trustees sold lots to themselves, selected lots in the best part of the grounds, offered these lots for sale in competition with the cemetery at a large advance over the price allowed for them."

Mr. Miles said, this was before my time, and I have no personal knowledge of these matters."

I was treasurer of the corporation about twenty years. During that time I never bought any lots of cemetery, but took lots in payment of moneys I had loaned. I never put any of my lots in competition with the cemetery, but have obtained for those I have sold an added price to what I had purchased them for. It was a frequent occurrence that where an individual or undertaker selected one of my lots, I allowed the cemetery to receive the money for the sale of my lots and give me a certificate for another. Mr. Driggs pursued the same course. When exchanges occurred in this wise, the selection of an exchange plot was made by the superintendent, with the understanding that the plots so exchanged were about an equal value. It is not true that the trustees deeded numbers of lots to themselves, prior to elections, in order to control the corporation, as against the lot-owners. The 333 plots I received about twenty years ago were transferred to me in cancellation of a bond and cash loaned. These plots were not transferred me prior to an election to affect an election; there were never any such transfers of plots made to me or any other trustees for election purposes to my knowledge; I have attended most of elections since I have been connected with cemetery, perhaps two-thirds of them; the attendance generally at any one election never exceeded from fifteen to twenty plottolders; it was the custom for some years to vote on certificates, until the question was raised, and thereafter I refrained from voting on certificates; the lot-owners could outvote the trustees if they chose to vote; in the early part of cemetery history, the trustees may have been able to outvote the lot-owners, but I do not know this of my knowledge; do not know how recently this may have been the case; I have no knowledge that the trustees have ever given away lots to bribe persons to silence in regard to allegations of the trustees' misconduct; I never did it; never heard it discussed in or out of the board, and none of the other trustees ever did it; knew a Mr. Skinner; he held plots before I went into the board in 1851, and I do not know how he acquired them; they were obtained I think through Skinner's connection with the Odd Fellows, but I do not know the details; as treasurer I had the books of my predecessor; I know nothing of Skinner intimidating the corporation and acquiring lots; a Mr. Nellis had lots given him in cancellation of claims for commissions and salary as superintendent of the cemetery; Nellis was superintendent of the cemetery from its inception in 1848; this settlement was made after I became connected with the cemetery; this settlement was not caused by any intimidation on the part of Nellis; he was discharged prior to the settlement being made; he made a large claim for commissions on a long contract; we broke that contract, and in settlement

gave him some lots and some money, about \$300 in money; this contract had been made by the original trustees, and was in existence when I went in; the exchange of plots on the part of trustees who paid \$1 each for exchanged plots was done, I think, so as to improve more of the cemetery.

EXHIBIT B.

November 16, 1880.

(Copy.)

Received from William Miles, treasurer of the Cypress Hills Cemetery, three hundred and thirty-three dollars and fifty-five cents being in full of all demands and claims against the cemetery, and in settlement of all accounts which are now due, or which may hereafter become due by virtue of any agreement, bargain, dealing or agreement between said cemetery and myself.

(Signed)

ROBT. G. NELLIS.

NEW YORK, *December 31, 1880.*

In relation to the additional 64 acres purchased, I do not remember all the particulars; we bought 64 acres of land, and placed one-half of the whole into the cemetery; in other words, the 64 acres gave 6,976 plots, 2,650 were taken out for the half given to or retained by the trustees in lieu of their paying for the whole 64 acres; I do not remember what I paid; the cemetery got 3,488 plots, and the difference 838 was left out and given to cemetery for walks and avenues; I do not recollect about interest, but my impression is interest was paid for the trouble of picking up the different parcels of the 64 acres and acquiring titles; in consideration of the cemetery extending its franchise over the 64 acres, we gave the cemetery half; one motive which led to the purchase of the 64 acres was that the cemetery had established a new entrance leading to Myrtle avenue, and we desired to get land on that avenue.

Adjourned until 2 P. M., Thursday, November 18, 1880.

OFFICE CYPRESS HILLS CEMETERY ASSOCIATION,
BOWERY AND GRAND STREET,
NEW YORK CITY, *November 18, 1880.*

PRESENT—Messrs. Wren and C. H. Russell.

Mr. Miles recalled :

EXHIBIT A.

November 18, 1880.

In the report of my last testimony as appears in the Brooklyn *Eagle*, I am made to say that Mr. Campbell "was given \$10,000 to buy silence." I think in the confusion of voices, two or three persons speaking at the same time, my language must have been misinterpreted or not understood. I do not call to mind the fact of using

these words, at any rate such was not the fact. There was no money or any other consideration given to buy silence at that or any other time to my knowledge. I may have said it was given for the sake of peace. There was no silence required; the transactions of the trustees had always been made open and public by themselves from the time of the settlement of the \$480,000 of bonds, which was, as I before stated, made for property with an equity therein of about \$5,000.

Although I had no hand in causing Mr. Campbell's bond to be made or issued, and I never in any manner profited by it; and although I felt that I was in no manner responsible for an act performed by others before my connection with the cemetery, yet I thought it was for the cemetery's interest to get rid of litigation, as I considered that it injured its reputation and injuriously affected its business and the prices of lots; and this bond being the last unsettled matter, I thought the cemetery would have peace in the future, and benefit more than by having a lawsuit hanging over it, especially as the bond in question had, as it was said, been given for a full and valid consideration by the original trustees, but which fact was not, as I was informed, shown in the trial previously had upon them. I do not pretend to say that my excuse for doing as I did is very strong; but I think the cemetery was very much benefited for a while by settling the matter up. This was my chief motive in assenting to the settlement and volunteering to contribute toward the half of the amount paid by the four trustees toward it, and for which they were in no way bound.

I desire to explain my last testimony in regard to the charge of the trustees purchasing lots to control the elections. There is a coloring of truth to that charge, that did not occur to my mind when I answered the question put to me.

The facts are these: Previous to the election of 1855 (not 1854), the agent Nellis had made a large and unjust claim for commissions (which under his contract was fifteen dollars a lot, if I remember rightly, on 5,334 lots which he claimed had been sold to the bondholders in payment of their bond), which was afterward settled by giving two hundred lots and about three hundred dollars. This settlement, in my opinion, was the foundation of a series of annoyances which have been practiced against the trustees, to buy what has been termed silence, on the settlement of the bonds. Failing in the courts to disturb that settlement, resort has been had to legislative interference.

The cemetery at the time owed me \$5,000 lent money, and about twice as much to two other trustees. We became alarmed for the safety of our money and we purchased lots of the cemetery to secure ourselves against the contingency of Nellis electing his ticket and thereby securing his claim and jeopardizing the payment of what was owing to us. We paid for the lots fifteen dollars per lot, located in an unimproved part of the cemetery, on a part of the land which at that time was not worth over three hundred dollars per acre. I hold most of the lots to-day, and would willingly sell them back, after holding them twenty-five years, for less than cost and simple interest. This may give a coloring of truth to the charge of buying lots to control the elections of trustees. That was not my object, however. I only wished to secure myself against loss on the money I had loaned and to stop Nellis from obtaining payment of an unjust claim.

I am grateful for the opportunity, after enduring slander and abuse for many years, to meet my enemies before a tribunal of their own choice, the honorable committee of the Legislature, who are honorable gentlemen disposed to show fair play on both sides. I shall not withhold any testimony on my part, however detrimental it may be to my conduct as a trustee of the cemetery, nor allow myself by any revengeful feeling to distort the truth by giving it a false coloring knowingly.

I have only proposed one member of the board since my connection with it, and that was in the person of Mr. A. S. Dutton, clothing merchant, corner of the Bowery and Hester street, a gentleman well known to the mercantile community and of high standing therein. He was never in any manner interested in the financial transactions of the cemetery or any way interested to prejudice his action as a trustee, and I do not think there is a lot-owner or any person living who can say that I ever attempted to sway or control his vote; but, on the contrary, I have always offered to resign from the board and make room for any good, respectable man, that any reasonable number of lot-holders would manifest a wish to have representative of their interests in my place.

That necessity no longer exists, as I am no longer a trustee or an officer.

WM. MILES.

In answer to questions by Mr. Driggs, Mr. Miles said :

The contract with Nellis was made prior to the time Mr. Driggs or myself became connected with the cemetery; Mr. Nellis claimed his commission on the whole of the plots which were awarded in cancellation of the \$480,000 bonds. Referring to my statement that Nellis claimed commission on 5,334 plots, on reflection I am not sure as to the number, but am inclined to think the original statement of the number is right.

There were a few plots donated to the police department; Mayor Wood, of the city of Brooklyn, had purchased 200 plots of cemetery at \$25 a piece; 100 plots were located at the time of purchase on the ground immediately adjoining where the government grounds were afterward located; the other 100 plots were to be located in the rear of cemetery; after the war was over, the government signified that it would require more ground than the graves then occupied, and desired to buy land adjoining; a sale was at \$80 each per plot, that covered a portion of the land purchased by Mayor Wood; after Mayor Wood had made said purchase, he applied to me for a loan upon them; I made the loan and subsequently purchased of him, or took off his hands his purchase, giving him the amount he had paid and some few plots besides; a part of the plots sold to the government was owned by the cemetery and part by myself; the transaction between Mayor Wood and myself was entirely a private one; General Ingalls acted for the United States and Mr. Driggs, then president of the corporation, on the part of the cemetery; Mayor Wood paid the whole of the purchase-money, \$25 per plot, to the cemetery association; do not recollect that I made report that the cemetery only owned 2,500 plots; I never used any of the employees or materials belonging to the cemetery for my own or any outside purpose, and I

do not know of any of the other trustees doing so, with the exception of the care of a few flowers; I know of no money belonging to the cemetery or labor or services used on the plankroad, to any material extent, and when that was done it was for the benefit of the cemetery; I do not think this labor, etc., aggregated \$200; previous to my connection with the cemetery, a railroad was built from the L. I. R. R. to overcome the want of proper access to the cemetery gate; that road after a fair trial proved a failure, and the iron was sold, and the proceeds went to the cemetery; do not recollect how much this railroad cost the cemetery; its length was about one-half mile and it was built before I came in; I do not recollect the amount of money realized by its sale; subsequent to the discontinuance of the railroad, a plankroad from Williamsburgh to the cemetery was built, and the cemetery having no funds to build it, an outside corporation was formed to build and did build it, by the funds of private individuals, for the benefit of the cemetery, without hope of profit; I know of no misappropriation of the trust funds of the cemetery.

Adjourned until Wednesday, Nov. 23, at 2 P. M.

OFFICE CYPRESS HILLS CEMETERY ASSOCIATION,
GRAND STREET AND BOWERY,
November 24, 1880, 2 P. M. }

PRESENT — Messrs. Wren and Clowes of the committee.

Mr. Miles recalled:

In relation to the settlement of the Campbell suit, it was in this manner: Campbell was to be paid some \$10,000, one-half of which was to be borne by the cemetery and the other half by the trustees individually. At that settlement six (6) notes of the cemetery association were taken by the trustees for the amount to be paid by the cemetery, that is, there was \$833 and a fraction, in each note. The trustees furnished the money for these six notes. On the 1st of April, 1871, the cemetery association received in payment of 120 lots sold to the United States government, \$9,600, out of which the cemetery paid the aforementioned notes and interest, and also paid me \$3,642.85 in payment of 45½ lots, which were embraced in the purchase of Mayor Wood.

EXHIBIT A.

November 24, 1880.

About February, 1864, Mr. N. G. Palmer became connected with a paper in East New York and the printing business. This was complained of as interfering with his duties as superintendent and he resigned. Mr. Palmer was, however, voted \$600 a year for the benefit of any information he might be called upon to give about the cemetery business, which he had become familiar with during his past connection therewith. This was about the time that George W. Palmer applied to me for his brother's post, Noyes Palmer's son, Noyes being

employed in the office under his father. I did not think it advisable to have so many of one family in the employ of the cemetery. When George failed in his application, an immediate effort was made on the part of a few lot proprietors to have Mr. Palmer, on account of his long connection therewith, and his extensive knowledge of its affairs and personal acquaintance with the lot-owners, called back to resume his post. He was to be paid \$1,200 a year salary, and a commission of \$10 a lot on all lots sold belonging to the cemetery; he was also to have the privilege of purchasing twenty acres of land for his own account, and getting the benefit of the cemetery's franchise over it. He never put in the twenty acres, but he tried to get the cemetery to purchase about seven and one-half acres adjoining the cemetery at a very large price, I think near \$3,000 an acre. The cemetery was to assume a mortgage upon the land and have a portion of lots to sell and pay said mortgage. The trustees refused to purchase. At a meeting of August 26, 1876, a resolution was adopted by the board of trustees, making Mr. Palmer's salary \$3,000 a year to date back to July 1, 1864. This was in consequence of his statement that his salary of \$1,200 and his commissions would not equal \$3,000 a year. That the charge of misappropriating the trust fund of the cemetery has already been answered. There was no misappropriation to my knowledge.

That in relation to the charge of collusion in the suit of the attorney-general in 1874, I know of no collusion nor heard of any in relation thereto, and I am sure that I would not have been a party thereto, nor have I any reason to believe that any gentlemen connected therewith would have been parties thereto. There was no cause or reason therefor that I am aware of.

The act of 1875 authorizing the trustees to repurchase from themselves lots represented by certificates was obtained to purchase such lots at low prices to enable the cemetery to profit thereby.

The lots purchased under that act are selling for five times the price agreed to be paid for them.

The question of authorization on the part of the trustees to issue deeds upon the surrender of certificates for lots given in the settlement of the original bonds given for the purchase-money of the land from Mr. Van Wyck is one based upon the action of the courts in relation thereto, and of the act of the legislature authorizing their purchase, and after a full hearing before a committee of that body of all the facts in relation to the issue of the certificates in settlement of the bonds, and under advice of legal counsel. Of the certificates so issued, 2,666 were (one-third of 8,000) sold for cash, on the cemetery's account, and there is no way of distinguishing them from those given in the settlement, that I can imagine, without doing injustice, even if there was any doubt about their regularity.

In relation to the question of fraud, whatever legal construction may be put upon the acts of any or all of the trustees from the beginning of the cemetery up to the present time, I do not know of any act performed by them which was designed or contemplated to be a fraud in the ordinary acceptation of that word. The original bonds, given for Mr. Van Wyck's land, were, as I understand the intention of the founders of the cemetery, made to raise money to pay for the land and make improvements, and the calculations of the founders were not so wide of the mark, if their plans had been successful; they un-

doubtedly calculated upon some money out of it, and were fairly entitled to do so, out of the half of the land appropriated to purchase lands and make improvements thereto for the use of their money and their services.

Mr. Van Wyck had previously in the year 1839 laid out the land he sold to the cemetery for a like purpose and had it regularly mapped therefor, but he lacked sufficient money to carry out his intentions. No one was willing to invest in such an enterprise; the land had therefore something of a cemetery value attached to it, before the present association took it up. The successful founder of the cemetery was Charles Edwards Lester, through whose genius, energy and literary contributions to the press, the institution impressed itself upon the public attention.

Since the last part of my testimony was given I have refreshed my mind as to the facts in relation to the charge of the trustees donating to the United States government and the New York metropolitan police for the purpose of promoting their own interests, and I have referred to the papers containing the facts.

On the 15th August, 1864, the Hon. A. M. Wood, mayor of the city of Brooklyn, made the purchase I have before spoken of, of two hundred lots. One hundred of these lots were located at the time of the purchase upon an unsurveyed portion of the grounds lying adjacent to the United States soldiers' plot.

No trustee had any interest in the plots sold Mr. Wood at that time, neither did any trustee at the time own any lots near the soldiers' plot, nor have they since. (Myself excepted, and I only in my purchase of Wood.) Mr. Wood, some years after his purchase, applied to me for a loan upon his lots, which was granted. Sometime after that he desired to dispose of them, and I, to oblige him, purchased his interest and paid in cash what he had paid for them. After these transactions the United States government made a purchase of the cemetery a certain number of lots adjoining the soldiers' grounds and mine, forty-five and one-half of which were upon the lots I purchased of Mr. Wood. I received therefor \$3,640—all or about all of which I contributed toward the payment of the \$5,000 given to Campbell in settlement of his suit against the cemetery. The remainder of the 100 lots located upon this spot, 54½ in number, costing at the present writing (\$25 a lot and sixteen years' simple interest on the investment) about \$53 a lot. These lots I offered to the cemetery about three years ago at \$30 a lot, and take a cemetery bond, ten years to run, in payment. They were to have taken them together with 67 others at that price, but they chose my best ones, and left the 54½ out, paying me \$30 a lot for what they took. I let them have their own way in the matter.

I will speak of one subject more, and I wish I could do so without producing an impression that I had some personal feeling to gratify; such is not in any sense the fact. I, in saying what I feel called upon to speak of, allude to it because it enters into the subject of the management of the cemetery, and because it affects the interests of the lot-owners and those who for thirty years have been its chief support by their unpaid-for services, money and credit. I, myself, have during the whole of that period lent to the cemetery large amounts of money.

I felt that I ought to have had more weight in directing its affairs than an employee who had nothing at stake, but I am sorry to say that I had not as much. While awarding to Mr. Palmer superior qualities of mind, I was thoroughly satisfied that he was not an economical manager. When I say this I speak from personal knowledge. When the plankroad was built from Williamsburgh to the cemetery, which took some months, I spent considerable time in watching the progress of the work, at the same time I gave my attention to the study of the work in and for the cemetery. I proved to my own satisfaction that the same kind of work done upon the cemetery cost all of twenty-five per cent more. I called the attention of the board and of Mr. Driggs, especially, to it; the facts were admitted in a general way by Mr. Driggs, Mr. Peace and Mr. Law, all of whom took an active interest in pushing improvements in the cemetery ahead. It was customary for those three gentlemen to ride out to the cemetery two or three times a week to watch matters, and things went on flourishingly. But we all agreed that the cemetery needed an energetic man to manage it. Mr. Driggs was in consequence appointed general manager, who applied himself vigorously, and extensive improvements were made during his management; but he was obliged to give up the office as he was invited to accept the presidency of the Williamsburgh Fire Insurance Company with a much a larger salary than the cemetery could afford to pay. He resigned. From this time things changed. The workmen became slack from the want of a vigorous man to superintend the work. There was no fault found with Mr. Palmer; we all liked him and he was very competent in the office, and could have remained in it his life-time, but out-of-door work was uncongenial to his tastes, and what was worse he did not favor the employment of any competent person to fill the post of manager or foreman; the consequence was, that the workmen had no proper head to plan out their work and see that it was properly and economically done.

In my testimony previously given charging Mr. Geo. W. Palmer with applying to me for his brother's position of superintendent, it is perhaps proper for me to say in explanation that (although Mr. Palmer did make the application as I stated) I considered Mr. Noyes Palmer as the real applicant.

Mr. Noyes Palmer's manner of doing business was to use others to play an innocent part to work out his own ends. With his brother and his son to manage the cemetery, and he at the head of a newspaper, I looked upon it that, although he was nominally disconnected with the cemetery, yet in fact he would be the manager, because George and his son would have been under his control; had it not been for this thought in my mind, I might have favored his brother's appointment.

Mr. Noyes Palmer always worked mysteriously and unseen and made others do his bidding without their knowledge. If he bought property it was not done in his own name. If he bought or sold cemetery lots it would be done in or through other people's names. If he wanted to control the trustees it would be done by a cry of misdoings and the cry of fraud by others. If legislative interference was sought, it would be done (as it is I fear now) by seeking the appointment of a committee of investigation to fish up something irregular to cause the removal of the trustees.

Trustees of an institution are to be allowed no discretion of judgment in what they deem best for its interests, but they are to so conduct themselves in its management as to conform to a legal and literal compliance with the letter of the law to suit carpers and persons having little or no property interest therein, but enough to give a legal right to annoy and worry those who from any cause may make any technical deviation from the law, without their being able to suggest any thing better. I apprehend that Mr. George W. Palmer will not, on his own behalf, assume the responsibility of fathering the charges he has made as of his own knowledge; therefore I am willing to credit him with the belief that he may not, really, have considered himself an applicant for the office of superintendent, and also that in these proceedings he is neither governed by malice nor revenge, but may be acting an innocent part.

EXHIBIT B.

November 24, 1880.

BROOKLYN, E. D., November 12, 1880.

JOHN TREGASKIS, Esq.:

DEAR SIR — The duties of my position positively preclude my attendance at the meetings of the legislative committee now investigating the management of Cypress Hills Cemetery; and in person preferring my complaints and charges against such management.

I therefore desire you to appear for me and authorize you to act in my behalf by appearing before that committee for me and urging, not only that the investigation be thorough and searching, but that you request the committee to recommend such action to the legislature as will rehabilitate the institution in its lots and funds, that have by illegal and unauthorized means been taken from it.

Yours respectfully,

HENRY W. SCHEIFFLIN,

Plat No. 34, section 5.

JEFFREY SMITH,

Plat No. 319, section 4.

Mr. Edwards, recalled:

To my knowledge the excerpts and totalizations submitted by me this date are true; I will say in this connection that the lot-owners could have, and have had access to all the books of the company, and I have at all times given lot-owners all the information possible.

EXHIBIT C.

November 24, 1880.

Disbursements since June, 1852, to July, 1853.

Labor.....	\$10,727 10	
Contract.....	3,587 17	
		\$14,314 27
Commission.....		1,633 16
Loans.....	\$3,527 25	

[Assem. Doc. No. 14.]

Interest.....	\$416 06
Miscellaneous....	3,165 00
	<hr/>
	\$19,528 49
Loans, etc.....	3,527 25
Balance, cash.....	203 00
	<hr/>
	\$23,258 74
	<hr/>

COSTS AND PAYMENTS.

Receipts and Expenditures from August 8, 1848, to July 1, 1852.

To trustees advanced.....	\$20,910 77
Graves.....	3,921 65
P. graves.....	1,481 25
Grading, etc.....	1,203 98
Planting, etc.....	410 13
Sales.....	48,657 73
Produce.....	234 38
Use of vault.....	4 75
Implements.....	15 00
Furniture.....	25 00
Interest.....	40 00
Printing maps.....	30 00
Rent (returned).....	75 00
Deeds, duplicate.....	1 00
Railroad iron.....	1,463 41
	<hr/>
Total.....	\$78,474 05
	<hr/>

By commission.....	\$4,513 30
Sextons on sales.....	115 00
Sextons on graves.....	140 50
Expenses.....	6,505 91
Implements and teams.....	1,470 40
Building account.....	3,144 81
Planting and seeding.....	1,693 60
Printing and stationery.....	1,647 67
Land payments.....	26,571 68
Labor.....	22,920 85
Furniture.....	532 27
Trustees.....	5,933 36
Railroad.....	3,267 40
Balance on hand.....	17 10
	<hr/>
Total.....	\$78,474 05
	<hr/>

Receipts since June, 1852, to July, 1853.

Balance.....	\$17 10
For interments.....	\$1,879 00
Public ground.....	1,063 50
	<hr/>
	\$2,942 50
Gardening.....	1,048 82

Sale of lots		\$7,276 58
Loans	\$10,520 69	
Miscellaneous		1,260 05
		<hr/>
		\$12,527 95
Loans, etc ..		10,520 69
Balance, cash		210 10
		<hr/>
Total		\$23,258 74
		<hr/>

Disbursements since June, 1853, to July, 1854.

Labor	\$6,347 73	
Contract	1,172 53	
	<hr/>	\$7,520 26
Commission		378 00
Loans	\$1,484 38	
Miscellaneous		775 19
		<hr/>
		\$8,673 45
Loans, etc		1,484 38
		<hr/>
Cash on hand		\$10,157 73
		<hr/>

Receipts since June, 1853, to July, 1854.

For interments	\$1,576 25	
Public ground	929 50	
Vaults	71 00	
	<hr/>	\$2,576 75
Gardening		1,354 59
Sale of lots		1,163 50
Loans	\$4,403 78	
Miscellaneous		659 11
		<hr/>
		\$5,753 95
Loans, etc		4,403 78
		<hr/>
Total		\$10,157 73
		<hr/>

Disbursements since June, 1855, to July, 1856.

Labor		\$6,837 54
Loans	\$11,265 15	
Interest		773 41
Gardening		105 00
Miscellaneous		4,766 62
		<hr/>
		\$12,482 57
Loans, etc		11,265 15
		<hr/>
Cash on hand		\$23,747 72
		<hr/>

Receipts since June, 1855, to July, 1856.

For interments.....		\$3,635 42
Gardening.....		635 99
Sale of lots.....		4,706 95
Loans.....	\$12,878 26	
Loans.....	1,687 24	
Interest.....		68 91
Miscellaneous.....		134 95
		<hr/>
		\$9,182 22
Loans, etc.....		12,878 26
Balance.....		1,687 24
		<hr/>
		\$23,747 72

Statement of expenditures for the year ending July, 1857.

Labor.....	\$5,859 94
Salaries.....	3,675 56
Loans.....	16,526 70
Cash on hand.....	20 15
Miscellaneous.....	4,140 08
	<hr/>
Total.....	\$28,805 41

Statement of receipts for the year ending July, 1857.

Interments, 920.....	\$2,104 75
Removals, 250.....	1,034 75
	<hr/>
	\$3,144 50
Gardening.....	2,328 09
Sale of lots.....	6,785 97
	<hr/>
Total.....	\$28,805 41

Disbursements since June, 1857, to July, 1858.

Labor.....	\$4,170 95
Contract.....	1,115 13
	<hr/>
	\$5,276 08
Salaries.....	2,042 09
Commission.....	65 00
Bills payable.....	\$13,451 39
Interest.....	1,200 92
Land purchased.....	805 84
Miscellaneous.....	1,856 19
	<hr/>
	\$11,246 12
Loans and discounts.....	13,451 39
Balance.....	62 20
	<hr/>
Total.....	\$24,759 71

Receipts since June, 1857, to July, 1858.

Balance brought forward....	\$71 18	
Interments, in private lots.....	\$2,636 50	
Public ground, 309	824 75	
		<hr/>
Removals from other ground		\$3,461 25
Gardening.....		600 00
Sale of lots		1,313 48
Bills receivable	\$10,727 19	6,824 17
Interest.....		53 25
Miscellaneous		1,709 19
		<hr/>
		\$13,961 34
Loans and discounts		10,727 19
Cash		71 18
		<hr/>
Total.....		<u>\$24,759 71</u>

Disbursements since June, 1858, to July, 1859.

Labor.....	\$3,499 50	
Contract.....	150 00	
		<hr/>
		\$3,649 50
Salaries.....		2,052 51
Commission		346 80
Bills payable	\$9,887 83	
Loans.....	1,203 55	
Interest.....		1,515 20
Miscellaneous.....		1,874 58
		<hr/>
		\$9,438 59
Loans and discounts.....		11,091 38
Cash balance....		66 84
		<hr/>
Total.....		<u>\$20,596 81</u>

Receipts since June, 1858, to July, 1859.

Balance brought forward....	\$62 21	
Interments, in private lots, 962.....	\$2,363 25	
Public ground, 292	792 50	
		<hr/>
		\$3,155 75
Gardening		1,378 15
Sale of lots		5,236 70
Bills receivable	\$8,975 00	
Loans	1,203 55	
Interest.....		52 00
Miscellaneous		508 45
Trust fund.....		25 00
		<hr/>
		<u>\$10,356 05</u>

Loans and discounts.....	\$10,178 55
Cash balance.....	62 21
Total.....	<u>\$20,596 81</u>

Disbursements since June, 1859, to July, 1860.

Labor	\$4,642 64
Salaries	2,130 00
Commission	420 50
Bills payable	\$12,915 22
Loans	40 00
Interest	1,117 95
Miscellaneous	1,713 84
Cash on hand	\$10,024 93
Loans, etc	12,955 22
Balance	40 57
Total	<u>\$23,020 72</u>

Receipts since June, 1859, to July, 1860.

Balance brought forward	\$66 84	
For interments in private lots, 1083....	\$2,729 75	
Public ground, 360.....	1,070 25	
		\$3,800 00
Gardening		2,579 55
Sale of lots.....		4,410 89
Bills receivable	\$11,750 00	
Loans	38 00	
Interest		26 00
Miscellaneous		349 44
		\$11,165 88
Loans, etc.....		11,788 00
Balance.....		66 84
Total		<u>\$23,020 72</u>

Disbursements since June, 1860, to July, 1861.

Labor	\$4,928 16	
Contract	163 50	
		\$5,091 66
Salaries		1,790 00
Commission		170 20
Bills payable	\$1,945 77	
Loans	434 00	

Interest	\$1,273 42
Miscellaneous.....	1,894 02
	<hr/>
	\$10,219 30
Loans, etc.....	2,379 77
	<hr/>
Total.....	\$12,599 07
	<hr/>

Receipts since June, 1860, to July, 1861.

Balance brought forward ..	\$40 57	
For interment in private lots, 1,142	\$2,878 25	
Public ground, 360.....	956 50	
	<hr/>	\$3,834 75
Gardening		3,127 36
Sale of lots		2,910 53
Bills receivable	\$1,744 00	
For the week.....	31 73	
Loans	508 17	
Interest.....		17 50
Miscellaneous.....		384 46
		<hr/>
		\$10,274 60
Loans ..		2,283 90
Balance.....		40 57
		<hr/>
Total.....		\$12,599 07
		<hr/>

Disbursements since June, 1861, to July, 1862.

Labor.....	\$4,247 35
Salaries.....	1,953 64
Commission.....	159 45
Bills payable.....	\$1,717 93
Loans.....	640 48
For the week.....	60 00
	<hr/>
Interest.....	1,162 21
Miscellaneous.....	1,630 64
	<hr/>
Cash on hand.....	\$9,153 29
Loans, etc.....	2,418 31
Balance	15 72
	<hr/>
Total.....	\$11,587 42
	<hr/>

Receipts since June, 1861, to July, 1862.

Interments in private lots, 1,067.....	\$2,763 75
Public ground, 337.....	1,023 50
Soldiers, 133.....	166 50
	<hr/>
	\$3,953 75
Vaults.....	116 00
Gardening.....	2,718 54

Sale of lots.....		\$2,810 60
Bills receivable.....	\$900 00	
Loans.....	640 48	
Miscellaneous.....		448 05
		<hr/>
		\$10,048 94
Loans, etc.....		1,540 48
		<hr/>
		\$11,587 42
		<hr/>

Disbursements since June, 1862, to July, 1863.

Labor.....	\$4,736 14	
Contract.....	528 49	
	<hr/>	\$5,264 63
Salaries.....		1,738 20
Commission.....		81 20
Bills payable.....	\$4,799 58	
For the week.....	712 50	
Loans.....	357 00	
Interest.....		1,117 28
Gardening.....		283 25
Miscellaneous.....		1,187 11
		<hr/>
Cash on hand.....		\$9,671 67
Loans, etc.....		5,869 08
Balance.....		828 22
		<hr/>
Total.....		\$16,368 97
		<hr/>

Receipts since June, 1862, to July, 1863.

Balance brought forward.....	\$15 72	
Interments in private lots, 1,148.....		\$2,899 75
Public ground, 339.....		1,228 75
Soldiers, 685.....		1,121 00
Removals.....		160 00
Gardening.....		3,138 88
Sale of lots.....		4,268 60
Bills receivable.....	\$2,744 46	
Loans.....	417 00	
Miscellaneous.....		374 81
		<hr/>
		\$13,191 79
Loans, etc.....		3,161 46
Balance.....		15 72
		<hr/>
		\$16,368 97
		<hr/>

Disbursements since June, 1863, to July, 1864.

Labor.....	\$7,938 82	
For the week.....	22 17	
		\$8,158 99
For lots purchased		217 00
Salaries.....	\$1,786 72	
For the week.....	77 50	
		1,864 22
Commission.....		93 50
Bills payable.....	\$5,955 27	
Loans.....	400 24	
Interest.....		972 60
Gardening.....	\$433 33	
For the week.....	60 00	
		493 33
Miscellaneous.....	\$1,909 42	
For the week.....	6 04	
		1,915 46
Cash on hand.....		\$13,715 10
Loans, etc.....		6,355 50
Balance.....		478 86
Total....		\$20,549 47

Receipts since June, 1863, to July, 1864.

Balance brought forward..	\$828 23	
For interments in private lots.....	\$1,132	\$3,217 75
For the week.....	16	43 00
	1,148	\$3,260 75
Public ground.....	537	\$1,688 00
For the week.....	12	41 00
	549	1,729 00
Soldiers.....	622	\$1,110 00
For the week.....	51	52 50
	673	1,162 50
Vaults.....	57	\$272 00
For the week.....	4	24 00
	61	296 00
Gardening.....		\$4,380 70
For the week.....		94 44
		4,475 23
Sale of lots.....		\$2,090 50
For the week.....		15 00
		2,105 50
Bills receivable.....		\$4,800 50
Removals to other grounds.....		830 00

Miscellaneous.....	\$833 76	
For the week.....	228 50	
		\$1,062 26
		<hr/>
		\$14,921 24
Loans, etc.....	4,800 00	
Balance.....	828 23	
		<hr/>
Total.....		\$20,549 47

Disbursements since June, 1864, to July, 1865.

Labor.....	\$13,878 31	
For the week.....	307 00	
		\$14,185 31
		<hr/>
Salaries.....		2,731 96
Commission.....		75 00
Bills payable.....	\$9,987 50	
Loans.....	254 02	
Interest.....		580 09
Gardening.....		1,960 36
Miscellaneous.....	\$2,281 31	
For the week.....	18 00	
		2,299 31
		<hr/>
Trust fund.....		25 00
Cash, lots from Watrous, etc., trust fund.....		1,385 00
		<hr/>
		\$23,242 03
Loans, etc.....		10,241 52
Balance.....		642 50
		<hr/>
Total.....		\$34,126 05

Receipts since June, 1864, to July, 1865.

Balance brought forward....	\$478 86	
For interments in private lots.....	1,167	\$4,228 25
For the week.....	18	97 00
	<hr/>	1,185
		\$4,325 25
Public ground.....	553	\$1,478 00
For the week.....	18	36 00
	<hr/>	571
		1,510 00
Soldiers.....	1,987	\$2,649 50
For the week.....	38	422 50
	<hr/>	2,025
		3,072 00
Vaults.....	104	\$623 50
For the week.....	2	7 00
	<hr/>	106
		630 50
Gardening.....		\$5,849 58
For the week.....		39 50
		<hr/>
		5,889 08

Sale of lots.....	\$15,280 00	
For the week.....	25 00	
		\$15,305 00
Loans.....	\$601 23	
Interest.....		204 17
Miscellaneous.....	\$1,972 46	
For the week.....	137 50	
		2,109 96
		\$33,045 96
Loans, etc.....		801 23
Balance.....		478 86
Total.....		\$34,126 05

Disbursements since June, 1865, to July, 1866.

Labor.....	\$12,482 38	
For the week.....	331 38	
		\$12,813 76
Salaries.....	\$3,316 66	
For the week.....	83 34	
		3,400 00
Commission.....		55 00
Bills payable.....	\$200 00	
Loans.....	964 21	
Interest.....		76 06
Gardening.....		1,914 62
Miscellaneous.....	\$2,816 40	
For the week.....	4 00	
		2,820 40
Trust fund.....		1,255 00
Cash on hand.....		\$22,334 84
Loans, etc.....		1,164 21
Balance.....		650 03
		\$24,149 08

Receipts since June, 1865, to July, 1866.

Balance brought forward....	\$642 50	
For interments, in pri- vate lots.....	1,289	\$4,734 75
For the week.....	21	
		1,310 77 00
Public ground.....	597	\$1,812 50
		\$4,811 75

For the week.....	17	614	\$56 00	
				\$1,868 50
Soldiers.....		257		
For the week.....				1,251 00
Vaults.....	81		\$501 50	
For the week.....	2			
		83	13 50	
				515 00
Gardening.....			\$6,962 56	
For the week.....			112 50	
				7,075 06
Sale of lots.....				3,725 06
Removals from other grounds				405 00
Loans			\$620 19	
Miscellaneous.....				1,755 02
Trust fund				1,480 00
				\$22,886 39
Loans, etc.....				620 19
Balance.....				642 50
				\$24,149 80

Disbursements since June, 1866, to July, 1867.

Labor	\$11,227 37	
For the week.....	277 26	
		\$11,504 63
Salaries	\$2,716 86	
For the week.....	188 30	
		2,905 16
Commission		190 52
Bills payable	\$680 00	
Loans.....	202 31	
Gardening.....		508 26
Miscellaneous		750 00
For the week.....		2,707 94
Trust fund.....	\$1,505 00	
For the week.....	45 00	
		1,550 00
Cash on hand.....		\$20,116 51
Loans, etc		882 31
Balance.....		44 34
		\$21,043 16

Receipts since June, 1866, to July, 1867.

Balance brought forward.....	\$650 03		
For interments, in private lots.....	1,232	\$4,752 50	
For the week.....	18		
	1,250	73 00	
			\$4,825 50
Public ground.....	508	\$1,800 50	
For the week.....	3		
	511	12 50	
			1,813 00
Soldiers, 4			28 50
Vaults, 78			444 00
Gardening.....		\$6,346 98	
For the week.....		78 05	
			6,425 03
Sale of lots.....		\$2,800 25	
For the week.....		5 00	
			2,805 25
Removals from other grounds.....			500 00
Loans.....		\$1,222 35	
Interest.....			84 23
Miscellaneous.....		\$685 52	
For the week.....		9 75	
			695 27
Trust fund.....		\$1,505 00	
For the week.....		45 00	
			1,550 00
			\$19,170 78
Loans, etc.....			1,222 35
Balance.....			650 03
			\$21,043 16

Disbursements since June, 1867, to July, 1868.

Labor	\$10,999 63	
For the week.....	323 13	
Contract.....	415 00	
		\$11,737 76
Salaries.....	\$2,738 01	
For the week.....	100 00	
		2,838 01
Commission.....	\$136 37	
For the week.....	4 10	
		140 47
Bills payable	\$1,068 45	
Loans	3,501 72	
Interest.....		141 71

Gardening			\$679 84
Miscellaneous	\$3,048 27		
For the week	47 70		
			<hr/>
			3,095 97
Trust fund	\$918 33		
For the week	20 00		
			<hr/>
			938 33
			<hr/>
			\$19,572 09
Loans			4,570 17
Cash			643 91
			<hr/>
Total			\$24,786 17

Receipts since June, 1867, to July, 1868.

Balance brought forward	\$44 34		
Interments, in private lots, 1,234		\$4,733 25	
For the week	16	87 00	
	<hr/>		
	1,250		\$4,820 25
Public ground	458	\$1,712 50	
For the week	4	14 00	
	<hr/>		
	462		1,726 50
Soldiers	10		9 00
Vaults	94	\$586 00	
For the week	1	7 00	
	<hr/>		
	'95		593 00
Gardening		\$5,059 07	
For the week		232 90	
		<hr/>	
			5,291 97
Sale of lots			3,977 50
Bills receivable		\$2,246 14	
Removals			500 00
Loans		\$3,439 03	
Interest			73 12
Miscellaneous			1,126 99
Trust fund		\$918 33	
For the week		20 00	
		<hr/>	
			938 33
			<hr/>
			\$19,056 66
Loans, etc.			5,685 17
Balance			44 34
			<hr/>
Total			\$24,786 17

Disbursements since June, 1868, to July, 1869.

Labor	\$10,411 25		
For the week	279 50		
	<hr/>		
			\$10,690 75
Salaries	\$3,660 13		
For the week	450 75		
	<hr/>		
			4,110 88

Commission	\$104 15
Bills payable.....	273 00
Loans.....	1,965 82
Interest.....	337 43
Gardening	912 50
Miscellaneous.....	1,066 61
Trust fund.....	1,458 75
Cash on hand.....	555 29
Total.....	<u>\$24,475 18</u>

Receipts since June, 1868, to July, 1869.

Balance brought forward....	\$643 91		
Interments, in private lots, 1,206		\$5,331 50	
For the week.....	28	169 00	
	<u>1,234</u>		\$5,500 50
Public ground.....	639	\$3,034 00	
For the week.....	13	39 00	
	<u>652</u>		3,073 00
Soldiers.....	352	\$584 00	
For the week.....	1	5 00	
	<u>353</u>		539 00
Vaults.....	86	\$657 50	
For the week.....	1	16 00	
	<u>87</u>		673 50
Gardening		\$4,997 89	
For the week.....		108 25	
			5,106 14
Sale of lots.....		\$4,840 00	
For the week.....		120 00	
			4,960 00
Removals from other grounds...			1,362 00
Interest.....			23 00
Miscellaneous			1,465 38
Trust fund.....			1,128 75
Total.....			<u>\$24,475 18</u>

Disbursements since June, 1869, to July, 1870.

Labor	\$10,513 38	
For the week.....	327 75	
		\$10,841 13
Salaries.....	\$4,455 28	
For the week.....	200 00	
		4,655 28
Commission	\$56 30	
For the week.....	14 45	
		70 75

Bills payable		\$533 59
Loans	\$3,013 18	
Interest	\$437 12	
Gardening	1,100 00	
		1,537 12
Miscellaneous	\$4,250 24	
For the week	57 00	
		4,307 24
Trust fund		1,042 50
		\$22,987 61
		3,013 18
Total		\$26,000 79

Receipts since June, 1869, to July, 1870.

For interments in private lots	\$5,668 00	
For the week	133 00	
Public ground	3,232 00	
For the week	59 00	
Vaults	674 00	
For the week	20 00	
		\$9,786 00
Gardening	\$4,613 00	
For the week	185 00	
		4,798 75
Sale of lots	\$5,645 25	
For the week	225 00	
		5,870 25
Loans	\$4,206 49	
Interest		6 61
Miscellaneous	\$449 50	
Trust fund	530 00	
		979 50
		\$21,441 11
Loans		4,206 49
Total		\$25,647 60

Disbursements since June, 1870, to July, 1871.

Labor	\$10,822 22	
For the week	284 13	
		\$11,106 35
Salaries	\$4,404 74	
For the week	175 00	
		4,579 74
Commission		18 00
Bills payable	\$13,111 54	
Loans	307 73	

Interest.....		\$595 52
Gardening.....		1,397 20
Miscellaneous.....	\$6,917 11	
For the week.....	50 00	
		<hr/> 6,067 11
Trust fund.....		2,275 05
		<hr/> \$26,038 97
Loans.....		13,419 27
		<hr/> \$39,458 24
Total.....		<hr/> <hr/>

Receipts since June, 1870, to July, 1871.

For interments in private lots.....	\$6,849 27	
For the week.....	173 00	
Public ground.....	4,242 60	
For the week.....	88 00	
Removals.....	313 00	
Vaults.....	746 90	
For the week.....	7 00	
		<hr/> \$12,419 77
Gardening.....	\$5,605 25	
For the week.....	186 00	
		<hr/> 5,791 25
Sale of lots.....		18,057 50
Bills receivable.....	\$2,900 00	
Loans.....	60 00	
Interest.....	\$12 50	
Miscellaneous.....	1,214 12	
Trust fund.....	621 25	
		<hr/> 1,847 87
		<hr/> \$38,116 39
Loans.....		2,960 00
		<hr/> \$41,076 39
Total.....		<hr/> <hr/>

Disbursements since June, 1871, to June, 1872.

Labor.....	\$11,314 63	
For the week.....	341 50	
		<hr/> \$11,656 13
Lots bought for cash (28 by 400 feet each).....		660 00
Salaries.....	\$4,784 00	
For the week.....	25 00	
		<hr/> 4,809 00
Commission.....		64 00
Bills payable.....	\$4,925 00	
Loans.....	6,037 21	

Interest.....		\$102 39
Gardening.....		114 88
Miscellaneous.....	\$5,235 20	
For the week.....	128 05	
		5,363 25
Trust fund.....		1,037 21
		<hr/>
		\$23,806 86
Loans.....		10,962 21
		<hr/>
Total.....		\$34,769 07

Receipts since June, 1871, to July, 1872.

Interments in private lots.....	\$7,294 00	
For the week.....	155 00	
Public ground.....	4,630 00	
For the week.....	83 00	
Soldiers.....	5 00	
Vaults.....	862 00	
		\$13,029 00
Gardening.....	\$5,189 90	
For the week.....	88 50	
		5,278 40
Sale of lots.....		7,478 50
Bills receivable.....	\$4,000 00	
Loans.....	2,412 21	
Interest.....	\$525 00	
Miscellaneous.....	533 00	
Trust fund.....	692 50	
		1,230 75
		<hr/>
		\$27,016 65
Loans.....		6,412 21
		<hr/>
Total.....		\$33,428 86

Disbursements since June, 1872, to June, 1873.

Labor.....		\$13,498 37
Salaries.....	\$3,562 00	
For the week.....	1,445 00	
		5,007 00
Commission.....		24 50
Bills payable.....	\$25,016 30	
Loans.....	1,377 64	
Interest.....		1,769 54
Gardening.....		240 00
Miscellaneous.....	\$5,597 88	
For the week.....	210 00	
		5,807 88

Trust fund.....	\$936 50
	<hr/>
	\$27,283 79
Loans.....	26,393 94
	<hr/>
Total.....	\$53,677 73
	<hr/>

Receipts since June, 1872, to July, 1873.

Interments in private lots.....	\$7,773 00	
For the week.....	103 00	
Public ground.....	4,142 00	
For the week.....	68 00	
Soldiers.....	50 00	
Vaults.....	873 00	
For the week.....	10 00	
	<hr/>	\$13,019 00
Gardening.....	\$5,108 30	
For the week.....	132 75	
	<hr/>	5,241 05
Sale of lots.....		6,728 50
Bills receivable.....	\$25,500 00	
Loans.....	1,377 64	
Miscellaneous.....	\$325 50	
Trust fund.....	1,281 50	
	<hr/>	1,607 00
		<hr/>
		\$26,595 55
Loans, etc.....		26,877 64
		<hr/>
Total.....		\$53,473 19
		<hr/>

Disbursements since June, 1873, to July, 1874.

Labor.....	\$13,532 06	
For the week.....	353 00	
	<hr/>	\$13,885 06
Salaries.....	\$4,550 00	
For the week.....	400 00	
	<hr/>	4,950 00
Commission.....		117 50
Bills payable.....	\$19,588 25	
Loans.....	2,828 45	
Interest.....		1,188 37
Miscellaneous.....	\$4,359 02	
For the week.....	251 00	
	<hr/>	4,610 02
		<hr/>
Cash.....		\$24,750 95
Loans.....		22,416 70
		<hr/>
Total.....		\$47,167 65
		<hr/>

Liabilities, July, 1864.

Williamsburgh Savings Bank bond.....	\$5,000 00	
Sanford's note.....	6,000 00	
Pease's note.....	6,750 00	
Miles, treasurer, note.....	3,000 00	
Trust fund note.....	3,776 00	
Johnson's.....	257 00	
Chapman.....	357 60	
		<hr/>
		\$25,140 60
Driggs and Miles' loan.....		10,000 00
Van Alst's loan.....	\$735 00	
Pease's loan.....	170 00	
Miles' loan.....	110 00	
Barnum's loan.....	25 00	
		<hr/>
		1,040 00
Labor.....	\$353 00	
Charged for the week.....	356 00	
		<hr/>
		\$709 00
Paid for the week.....	353 00	
		<hr/>
		356 00
		<hr/>
		\$36,536 00
		<hr/>

Receipts since June, 1873, to July, 1874.

For interments in private lots.....	\$7,291 50	
For the week.....	206 00	
Public ground.....	3,913 50	
For the week.....	191 00	
Soldiers.....	15 00	
Vaults.....	691 00	
		<hr/>
		\$12,308 00
Gardening.....	\$5,152 57	
For the week.....	344 25	
		<hr/>
		5,496 82
Sale of lots.....	\$4,728 05	
For the week.....	230 00	
		<hr/>
		4,958 05
Bills receivable.....	\$17,660 60	
Loans.....	4,618 45	
For the week.....	966 42	
Miscellaneous.....	\$106 31	
Trust fund.....	727 50	
For the week.....	50 00	
		<hr/>
		883 81
		<hr/>
		\$23,646 68
Loans.....		23,245 47
		<hr/>
Total.....		\$46,892 15
		<hr/>

STATE OF NEW YORK }
 City and County of New York. }

William Edwards, being duly sworn, says he is secretary of the Cypress Hills Cemetery; that the annexed balance sheets of said cemetery's finances from 1852 to 1854-1856 and 1857 to 1874, are correct transcripts of the books and papers on file in said cemetery's office, and he verily believes they are true and substantially correct.

WM. EDWARDS.

Sworn to before me, this 5th }
 day of September, 1874. }

CHARLES FRASER,
 Notary Public, New York County.

*General statement of assets and liabilities of the Cypress Hills Cemetery,
 exclusive of lots unsold, to July, 1874.*

ASSETS.

Interments, balance from last week.....	\$1,001 00	
Charged for the week.....	412 00	
	<hr/>	
	\$1,413 00	
Receipts for the week.....	397 00	
	<hr/>	\$1,016 00
Gardening, balance from last week.....	\$757 75	
Charged for the week.....	344 25	
	<hr/>	
	\$1,102 00	
Receipts for the week.....	344 25	
	<hr/>	757 75
Sales, balance from last week.....	\$1,763 00	
Receipts for the week.....	230 00	
	<hr/>	1,533 00
Miscellaneous, horses, carts, implements, furniture, etc	\$1,000 00	
Plants and trees.....	2,500 00	
	<hr/>	3,500 00
N. G. Palmer note.....	\$3,000 00	
do do	2,000 00	
do do	160 00	
	<hr/>	5,160 00
	<hr/>	

Disbursements since June, 1874, to July, 1875.

Labor	\$14,194 63	
For the week.....	357 50	
	<hr/>	\$14,552 13
Salaries, for the week.....	\$6,075 37	
Commission.....	250 00	
	<hr/>	6,325 37
For the week.....		27 50

Bills payable.....	\$16,676 60	
For the week.....	4,500 00	
Loans		\$800 00
Interest.....	\$1,146 48	
For the week.....	96 66	
		1,243 14
Miscellaneous.....		4,458 12
Cash on hand		\$27,572 68
Loans, etc.....		21,976 60
Total.....		\$49,549 28

Receipts since June, 1874, to July, 1875.

For interments, in private lots	\$7,755 50	
For the week.....	116 00	
Public ground.....	3,413 00	
For the week.....	24 00	
Soldiers.....	54 00	
Vaults.....	702 00	
		\$12,074 50
Gardening	\$3,414 00	
For the week.....	78 50	
		3,492 50
Sale of lots.....	\$3,378 35	
For the week.....	115 00	
		3,493 35
Bills discounted	\$19,919 00	
Loans	3,195 00	
Interest.....		115 25
Miscellaneous	\$1,357 75	
For the week, removals.....	4,700 00	
		6,057 75
Trust fund.....	\$1,092 00	
For the week.....	10 00	
		1,102 00
		\$26,335 35
Loans, etc.....		22,114 00
Total.....		\$48,449 35

Disbursements since June, 1875, to July, 1876.

Labor	\$15,304 00	
For the week.....	324 12	
		\$15,628 12
Salaries.....		2,921 50
Commission		110 00
Bills payable.....	\$35,845 83	
Loans.....	1,774 27	

Interest.....		\$935 90
Miscellaneous	\$3,885 63	
For the week.....	32 50	
		<hr/> 3,918 13
		\$23,513 75
Loans, etc.....		<hr/> 37,620 10
		\$61,133 85
		<hr/> 1,077 50
Total.....		<hr/> <hr/> \$62,211 35

Receipts since June, 1875, to July, 1876.

For interments in private lots.....	\$8,134 50	
For the week.....	145 00	
		<hr/> \$8,279 50
Public ground.....	\$3,056 00	
For the week.....	44 00	
		<hr/> 3,100 00
Soldiers		30 00
Vaults.....	\$538 00	
For the week.....	25 00	
		<hr/> 563 00
Gardening	\$4,183 85	
For the week.....	23 50	
		<hr/> 4,207 35
Sale of lots.....	\$6,864 85	
For the week.....	155 00	
		<hr/> 7,019 85
Bills discounted.....	\$37,965 77	
Loans	108 30	
Miscellaneous	\$236 26	
For the week.....	10 00	
		<hr/> 246 26
Trust fund.....	\$1,747 50	
For the week.....	15 00	
		<hr/> 1,762 50
		\$25,208 46
Loans, etc.....		<hr/> 38,074 07
Total.....		<hr/> <hr/> \$63,282 53

Disbursements since June, 1876, to July, 1877.

Labor	\$12,302 14	
For the week.....	300 00	
		\$12,602 14
Salaries		3,650 00
Commission		54 50
Bills payable	\$40,542 99	
Loans	133 36	
Interest.....		1,448 12
Miscellaneous.....		3,306 98
		\$21,061 74
Loans, etc.....		40,676 3
Total		\$61,738 09

Receipts since June, 1876, to July, 1877.

For interments in private lots	\$7,140 00	
For the week.....	114 00	
		\$7,254 00
Public ground	\$2,006 00	
For the week.....	30 00	
		2,036 00
Soldiers.....		57 00
Vaults.....		455 00
Gardening	\$3,111 35	
For the week.....	67 75	
		3,178 75
Sale of lots.....	\$5,901 00	
For the week.....	100 00	
		6,901 00
Bills discounted.....	\$40,525 50	
Loans	568 06	
Interest.....		171 00
Miscellaneous		306 47
Trust fund.....		950 00
		\$21,309 22
Loans, etc.....		41,194 56
Total		\$62,503 78

Disbursements since June, 1877, to July, 1878.

Labor	\$11,758 50	
For the week.....	278 25	
		\$12,036 75
Salaries		841 93
Commission		12 50
Bills payable	\$46,309 00	
Loans	1,425 68	

Interest.....	\$3,130 85
Miscellaneous	3,560 69
	<hr/>
	\$19,582 72
Loans, etc.....	47,734 68
	<hr/>
Total	<u>\$57,317 40</u>

Receipts since June, 1877, to July, 1878.

For interments in private lots	\$7,436 00	
For the week.....	169 00	
	<hr/>	\$7,605 00
Public ground	\$2,045 00	
For the week.....	30 00	
	<hr/>	2,075 00
Soldiers		72 00
Vaults.....		285 00
Gardening	\$2,898 77	
For the week.....	19 00	
	<hr/>	2,917 77
Sale of lots.....		4,532 87
Bills discounted.....	\$41,950 00	
Loans	6,417 28	
Interest		105 25
Miscellaneous.....		84 35
Trust fund.....		1,660 00
	<hr/>	\$19,337 24
Loans, etc.....		48,367 28
	<hr/>	<u>\$67,704 52</u>

Disbursements since June, 1878, to July, 1879.

Labor	\$11,529 27	
For the week.....	276 75	
	<hr/>	\$11,806 02
Salaries.....		1,100 00
Commission		57 50
Bills payable.....	\$23,100 00	
Loans.....	7,011 63	
Interest.....		4,257 22
Miscellaneous.....		2,412 70
	<hr/>	\$19,633 44
Loans, etc.....		24,111 63
	<hr/>	<u>\$43,745 07</u>

Receipts since June, 1878, to July, 1879.

Interments, in private lots.....	\$7,529 50	
Public ground.....	1,928 00	
Soldiers.....	42 00	
Vaults.....	320 00	
		<hr/>
		\$9,819 50
Gardening.....		3,259 71
Sale of lots.....		4,869 74
Bills discounted.....	\$21,894 90	
Loans.....	1,761 63	
Interest.....		78 24
Miscellaneous.....		285 22
For the week.....		55 50
Trust fund.....		1,614 58
		<hr/>
		\$19,982 49
Loans, etc.....		23,656 53
		<hr/>
Total.....		<u>\$43,639 02</u>

Disbursements since June, 1879, to July, 1880.

Labor.....	\$10,212 75	
For the week.....	279 62	
		<hr/>
		\$10,492 37
Salaries.....		2,400 00
Commission.....		110 00
Bills payable.....	\$16,800 00	
Loans.....	287 84	
Interest.....		2,772 76
Miscellaneous.....		2,083 96
		<hr/>
		\$17,859 09
Loans, etc.....		17,087 84
		<hr/>
Total.....		<u>\$34,946 93</u>

Receipts since June, 1879, to July, 1880.

Interments, in private lots.....	\$8,047 00	
Public ground.....	1,934 50	
Soldiers.....	57 00	
Vaults.....	245 00	
		<hr/>
		\$10,283 50
Gardening.....		2,511 57
Sale of lots.....		5,407 50
Bills discounted.....	\$15,000 00	
Loans.....	559 45	
Interest.....		241 77

Miscellaneous.....	\$494 56
Trust fund	972 25
	<hr/>
	\$19,911 15
Loans, etc.....	15,559 45
	<hr/>
Total.....	<u>\$35,470 60</u>

RECAPITULATION.

Amount of receipts from all sources including bills discounted from July 1, 1874, to November 16, 1880.....	\$334,091 35.
Amount paid out for labor, salaries, etc., including bills payable.....	333,251 21
	<hr/>
November 16, 1880, cash on hand	<u>\$840 14</u>

Witness Edwards shown a book and asked what it was: "That is a book of financial reports from July, 1879, until July, 1880. They are made up every week, being 52 in number, and a summary for the year is at the end of each week up till that time. I first adopted this method from 1857, the books being 23 in number. They are all in possession of the company and in my custody in the office here. These books are always open to the inspection of lot-owners. These books all show the condition of the cemetery for any given week, and up till that time of the year."

Mr. Stearns, recalled :

The receipts until July, 1874, were \$600,320.53. The expenditures were \$596,249.36. Since that date the receipts were until November 16, 1880, \$334,091.35, the expenditures being \$333,251.21, leaving a balance of \$840.14.

Adjourned until November 29, at 3 P. M.

OFFICE OF THE CYPRESS HILLS CEMETERY,
BOWERY AND GRAND STREET,
November 29, 3 P. M. }

PRESENT—Messrs. Wren, Russell, E. D. Benedict.

Mr. Edwards recalled and submitted a balance sheet.

EXHIBIT A.

November 29, 1880.

A balance sheet setting forth the assets and the liabilities of the Cypress Hills Cemetery, November, 1880.

The cemetery owns 6,000 lots of 400 superficial feet each ; at prices sold during the last five years would average two hundred and six dollars per lot and would amount to the sum of..... \$1,236,000 00

Inclosed with about four miles of picket fences, seven feet high, at 5,280 feet per mile, or 21,120 feet at 25 cents per foot, would cost.....	\$5,280 00
Laying out about thirty miles of avenues and paths graveled, also surveying the grounds.....	5,500 00
One receiving tomb or vault worth.....	1,200 00
A two-story dwelling-house (occupied by the assistant superintendent) at the north entrance on the Myrtle avenue macadamized road.....	1,500 00
Keeper's lodge and office at the south entrance on the Brooklyn and Jamaica turnpike, the dwelling part occupied by the foreman.....	1,500 00
One observatory about 85 feet high.....	2,000 00
One bell tower at the west entrance with bell and which is known as the funeral entrance.....	750 00
Barn, stabling, horses, carts, harness, etc., etc.	500 00
A water well and pump.....	200 00
Implements for gardening and opening graves, etc., lawn mowers, garden engine, etc., etc.....	500 00
Arbor vitæ, trees and various plants in nursery.....	2,500 00
Balance due on lots sold.....	2,935 90
Bills receivable.....	7,873 75
Cash in bank.....	850 05
	<hr/>
	\$1,269,089 70

A bond held by the Williamsburgh Savings Bank which was originally \$8,000 reduced to	\$5,000 00
Bonds given in payment for lot purchased from parties holding them for sale.....	30,000 00
Notes due to individuals.....	16,595 57
Notes due to banks.....	4,650 00
	<hr/>
	\$56,245 57

Assets	\$1,269,089 70
Liabilities.....	56,245 57

Net assets.....	\$1,212,844 13
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CITY OF BROOKLYN, }
County of Kings, } ss.:

Richard F. Butt, of said city and county, being duly sworn, deposes and says, that he is a civil engineer; that he is now employed by the Cypress Hill Cemetery and has been so employed for over a year and a half last past; that he is well acquainted with all the items of property on the above balance sheet, and that by request he has placed a value on each item which is correct according to my best judgment and knowledge and belief.

RICHARD F. BUTT.

CITY OF BROOKLYN, }
 County of Kings, } ss.:

William Edwards, of said city and county, being duly sworn, deposes and says, that he is the secretary to the Cypress Hill Cemetery and has been for the last twenty-three years; that he has examined the above balance sheet and finds it correct to his best knowledge and belief.

WILLIAM EDWARDS, *Secretary.*

STATE OF NEW YORK, }
 County of Kings, } ss.:

On this 29th day of November 1880, before me personally appeared Richard F. Butt and William Edwards, to me known, who being duly sworn did depose and say, that the statements to which they had subscribed their names was true to the best of their knowledge and belief.

F. A. WAY,
Notary Public, Kings County.

Mr. Stearns recalled, filed Exhibits B and C.

EXHIBIT B.

November 29, 1880.

SUPREME COURT.

The People of the State of New York }
agst
 The Cypress Hills Cemetery and others. }

SIR—Take notice that we shall make a motion at a special term of this court to be held at the court-house in the city of Poughkeepsie on Saturday, the 18th day of May, 1878, at eleven o'clock in the forenoon, to vacate and set aside the order of reference and the referee's report, and the judgment entered in this action on the 16th day of November, 1874, and for such other relief as shall by the court be deemed just and proper. Which motion will be founded on affidavits, depositions and papers, copies whereof are herewith served, and on the judgment-roll filed in said action on the 16th day of November, 1874, in the office of the clerk of Kings county, on the ground that the order of reference and the judgment were obtained by collusion and fraud.

Dated *May 8, 1878.*

A. SCHOONMAKER, JR.,
Att'y-General.

By E. & W. G. COOKE, *Counsel,*
 93 Nassua St., New York city.

JOHN M. STEARNS. Esq.,
Deft's Att'y.

SUPREME COURT.

The People of the State of New York	}
<i>agst.</i>	
The Cypress Hills Cemetery and others.	

KINGS COUNTY, ss.:

Noyes G. Palmer of East New York, in said county, being sworn, says: That he is one of the defendants in this action; that after the answer was put in the defendants had several consultations with their counsel concerning the suit; that after consultation with Judge Nelson, one of their counsel, and learning his opinion of the merits of the case, it was proposed by some of the defendants being trustees of the cemetery to get rid of this action, without any trial, if possible, by paying a bonus to Mr. Britton, of counsel for the plaintiff; this deponent was opposed to that method, but his opposition did not prevail; finally, sometime in October or November, 1874, the precise time deponent cannot remember, a promissory note made by the Cypress Hills Cemetery for five thousand dollars and indorsed by individual trustees, defendants in this action, was made, this deponent being one of the indorsers thereof; it was renewed at maturity for a somewhat diminished amount; that the secretary who presented the note to deponent could not or would not give him any information as to the object for which the note was given; deponent inquired of John M. Stearns, Esq., counsel for the cemetery, what the note was for, and was informed by said Stearns that the note was made to raise money to pay Mr. Britton for letting them up on this suit; deponent asked him if Britton got thirty-five hundred dollars, "yes," he said, "he got five thousand," and deponent says that he verily believes that such information is true.

N. G. PALMER.

Sworn to before me, this 22d }
day of February, 1878. }

E. D. BENEDIOT,
Notary Public, Kings Co., N. Y.

SUPREME COURT.

The People of the State of New York	}
<i>agst.</i>	
The Cypress Hills Cemetery and others.	

CITY AND COUNTY OF NEW YORK, ss.:

Noyes F. Palmer of Queens county, being sworn, says that he never knew or heard that any disposition had been made of this action, either by settlement, reference or trial of it, until he was informed of the fact by George W. Palmer on the 20th day of September, 1875; that from the 4th day of December, 1874, to the 1st day of May, 1875, he received from Winchester Britton, Esq., five hundred and fifty dollars in three different payments, which Mr. Britton said to deponent was his due for services as accountant in this suit, but it was

not told to deponent nor did he know that Mr. Britton had received any money from the defendants on account of the suit, or that any disposition had been made of the suit; nor had this deponent any knowledge at any time previous to the 20th of September, 1875, that any negotiations were or had been had with a view to a disposition of the suit by settlement or otherwise; that after this action was put at issue this deponent became engrossed with domestic troubles, the result of which was an action for divorce in which he was plaintiff, and which was pending from the autumn of 1874 and is still pending.

NOYES F. PALMER.

Sworn before me, the 3d day }
of May, 1878. }

E. K. SACKETT,

Notary Public, N. Y. Co.

SUPREME COURT.

The People of the State of New York }
agst. }
The Cypress Hills Cemetery and others. }

KINGS COUNTY, ss. :

Noyes F. Palmer, of the town of Jamaica, in the county of Queens, being sworn, says: That he is a lot-owner in the Cypress Hill Cemetery, and that this action was commenced on his complaint.

That deponent employed Messrs. Britton, Ely and Snell as counsel, who, at the instance of this deponent, obtained authority from the Attorney-General to bring and prosecute the action.

That this deponent furnished to said counsel the information on which the complaint was drawn, and verified the complaint.

That an injunction was obtained in the action, and the cause put at issue by the service of an answer in or about the month of July, 1874, John M. Stearns, Esq., appearing as attorney for the defendants.

That by an arrangement between Messrs. Britton, Ely and Snell, and this deponent, being familiar with the transactions of the defendants, on which the action was based, and with all the facts in case, deponent was charged with the duty of securing the evidence to support the action upon the trial thereof.

That in pursuance of such arrangement deponent examined and arranged the papers and records and obtained the witnesses whereby the action could be fully sustained, and informed Mr. Britton thereof, and that deponent was prepared to produce the same whenever the trial should be brought on. Mr. Britton, after examining the statement prepared by this deponent, declared the same to be abundantly sufficient to maintain the action. This interview occurred as early as the fore part of September (4th inst.), 1874; at that time nothing had been said to deponent about referring the cause, but he was led to suppose that the cause was to be tried in court; that from that time forward for several months this deponent heard nothing from said counsel in regard to the case, but kept himself in readiness to produce the evidence and expecting to be called on to do so.

That sometime during the year 1875 (October 22), this deponent

found, to his astonishment, that judgment had been entered upon in the action against the plaintiffs, and on examining the records (Nov. 20, 1875) of the Kings county clerk's office he found a judgment-roll in this action filed on the 16th day of November, 1874, consisting of the pleadings, with consent in writing to refer the cause to Henry F. Pultz, Esq., dated on the 15th of October, 1874, and order of reference on the same day purporting to have been granted on motion of Britton, Ely and Snell, of counsel for the plaintiffs; a notice of trial by defendants' attorney, dated the 27th day of October, 1874, for the 10th day of November following, before the referee, at his office at 69 William street, in the city of New York, at three o'clock in the afternoon; a referee's report bearing date the 13th day of November, 1874, and order of confirmation and for judgment made before Mr. Justice Tappen on the 16th of the same month, and judgment entered on the same day.

That deponent had no notice of the reference or the trial, or of any of the proceedings hereinbefore mentioned, until many months after said judgment-roll appears to have been filed; nor was the fact that the cause was noticed for trial, or the pretended trial had in the city of New York until his examination of the records aforesaid; that the place of trial of said action was Kings county; that Homer A. Nelson, Esq., is a son-in-law of John M. Stearns, Esq., the defendants' attorney in this cause.

That immediately after he ascertained that the said judgment had been entered, he, through Mr. A. N. Weller and others, applied to the Attorney-General for leave to move to vacate the judgment, with a view to try the cause, and for that purpose furnished him with affidavits tending to show that the action was disposed of by collusion and fraud, and although promised from time to time the authority never came.

And deponent says that the facts in the case are very voluminous, but that he is confident that it will prove ample to maintain the action upon the allegations of the complaint.

NOYES F. PALMER.

Subscribed and sworn the }
23d day of February, 1878. }

E. D. BENEDICT,
Notary Public, Kings Co., N. Y.

CITY AND COUNTY OF NEW YORK, ss. :

Eraustus Cooke, of the city of Brooklyn, being sworn, says: That he has examined the judgment-roll in the action within mentioned; that he is well acquainted with the handwriting of H. A. Nelson, Esq., and of James B. McKewan; that the consent to reference contained in said judgment-roll, bearing date the 15th of October, 1874, are in the handwriting of said Nelson, and that the notice of trial, and the referee's report contained in said judgment-roll are, except-

ing the signatures, in the handwriting of James B. McKewan, who was at the time a clerk in the office of H. A. Nelson, Esq., at 17 William street, in the city of New York.

Sworn before me, the 1st }
day of May, 1878. }

E. COOKE.

E. K. SACKETT,
Notary Public, N. Y. Co.

N. Y. SUPREME COURT.

The People of the State of New York
agst.
The Cypress Hills Cemetery and others. }

KINGS COUNTY, ss. :

E. D. Benedict, being duly sworn, says he is a practicing attorney of this court, and resides in the town of New Lots, county and State aforesaid; that since making his former affidavit in regard to matters then known to him affecting the parties to the above-entitled action, he has had an interview with John M. Stearns, Esq., attorney for the defendants in said action, and that said Stearns told him unreservedly that the cemetery paid Winchester Britton five thousand dollars to secure the judgment entered upon the record in that case.

Sworn to before me, this 18th }
day of April, 1878. }

E. D. BENEDICT.

CHARLES GERTUUS,
Notary Public, Kings Co., N. Y.

SUPREME COURT.

The People of the State of New York
agst.
The Cypress Hills Cemetery and others. }

KINGS COUNTY, ss. :

E. D. Benedict, being duly sworn, says: He is a resident of the town of New Lots, county and State aforesaid; that he is a lot-owner in said cemetery; that he knew the above-entitled action was brought in the supreme court in 1874; that he learned, by examination of the judgment-roll of said court about 1875, what became of the suit; that during the month of December, 1875, he presented evidence, to Attorney General Pratt, that the judgment entered for defendants in said suit was procured by collusion, bribery and fraud; that General Pratt referred deponent to his assistant, C. S. Fairchild, who would enter upon the duties of Attorney-General, January 1, 1876; that said Fairchild seemed to concur in the opinion that the fraud was plain, and

that authority should be given to proper attorneys to move for reopening the judgment thus obtained; that deponent called upon said Fairchild soon after he became Attorney-General, and presented further reasons why the case should be reopened; that said Fairchild then authorized P. B. Olney, Esq., of New York city, to examine all the evidences submitted, saying: "If Olney's report confirms what now appears evident, the authorization from the Attorney-General's office will be forwarded immediately;" that deponent had several interviews with said Olney, who informed deponent that he was convinced that said suit was settled by collusion and bribery, and that he had advised the Attorney-General to move to have the judgment set aside; that this deponent then called upon said Fairchild again, about June, 1876, and urged immediate action upon said Olney's report, and received assurances that the authorization should be given at once; that deponent's business prevented much further personal attention to this subject, and he left the further negotiations with the Attorney-General's office in the hands of Geo. W. Palmer, president of a "Cemetery Lot-Owner's Association;" that deponent cannot explain why Attorney-General Fairchild kept postponing action in this matter, for after every interview with said Fairchild, this deponent expected that said authorization would be immediately given.

E. D. BENEDICT.

Sworn to before me, this 25th day }
of February, A. D. 1878. }

CHARLES DOUGHTY,
Notary Public, Kings Co.

SUPREME COURT.

The People of the State of New York
agst.
The Cypress Hills Cemetery and others.

KINGS COUNTY, ss. :

George W. Palmer, being duly sworn, says: He is a resident of the town of New Lots, county and State aforesaid; that he is a lot-owner in said Cypress Hills Cemetery, and president of a "Cemetery Lot-Owners' Association;" that in his official capacity he called upon Attorney-General Fairchild, early in the year 1876, and presented facts to induce said Fairchild to authorize responsible attorneys to move in the supreme court for a reopening of the judgment in the above-entitled action, on the ground that said judgment was obtained by bribery and collusion; that deponent called upon said Fairchild frequently between January 1, 1876, and January 1, 1878; that said Fairchild promised at every interview to give the proper authorization, and never expressed any dissent as to the sufficiency of the evidence before him to justify the proposed action; that deponent deposited bonds with said Fairchild to indemnify the State, and complied with all the other requirements of the Attorney-General; that deponent fully expected as the result of each interview, immediate action; that between these interviews some weeks would elapse, when deponent would get

impatient, and then call again to be put off with new promises; and that deponent is wholly unable to explain the action of said Fairchild in this matter on any theory creditable to said Fairchild.

GEORGE W. PALMER.

Subscribed and sworn to before me, this }

23d day of February, A. D. 1878. }

E. D. BENEDICT,

Notary Public, Kings Co., N. Y.

SUPREME COURT.

The People of the State of New York

agst.

The Cypress Hills Cemetery and others.

CITY AND COUNTY OF NEW YORK, *ss.*:

Erastus Cooke, of Brooklyn, in Kings county, being sworn, says that the firm of E. & W. G. Cooke, of which deponent is a member, have an authority, in writing, signed by the Attorney-General of this State, to make a motion in his name to vacate the judgment entered in this action and to prosecute the said action to final judgment; that this deponent intends to make such motion, and for that purpose has prepared some affidavits.

That the grounds of the motion are, that after issue was joined in the action, the place of trial whereof was Kings county, the defendants, without the knowledge of the Attorney-General, or the prosecutor on whose application the action was brought, paid to the attorneys who then had charge of the case, by authority of the Attorney-General, the sum of five thousand dollars, which said attorneys fraudulently and corruptly received, and in consideration thereof, collusively allowed the said action to be referred and a report to be made in favor of the defendants without trial, and a judgment to be thereupon entered in favor of the defendants.

That Henry Pultz, Esq., was the referee who signed the report; John M. Stearns, Esq., of the city of Brooklyn, was attorney for the defendants, and H. A. Nelson, Esq., who has an office for the regular transaction of business in the city of New York, of counsel for defendants.

And this deponent says that he verily believes that the facts that the sum of five thousand dollars was paid to the said attorneys for the purpose aforesaid, and under the agreement that in consideration thereof the defendants should have judgment without an investigation of the merits of the case, are within the knowledge of the said John M. Stearns and Homer A. Nelson; that they have each been requested to make an affidavit thereof, but have refused to do so.

That the said Henry F. Pultz, Esq., has been requested and refused to make an affidavit, to be used on said motion, of the fact that there was but one appearance before him as referee, and that on that occasion no proof was offered on the part of the plaintiffs, but that the case was closed without any evidence in support of the action, and that the

report signed by him was prepared by the counsel for the defendants, which facts deponent verily believes are within the knowledge of said Pultz.

E. COOKE.

Sworn before me, the 23d }
day of April, 1878. }

E. K. SACKETT,
Notary Public, New York County.

CITY AND COUNTY OF NEW YORK, ss. :

¶ William G. Cooke, being duly sworn, says that he is a member of the firm of E. & W. G. Cooke mentioned in the foregoing affidavit; that on the 16th day of April, 1878, he requested H. F. Pultz, Esq., to make an affidavit of the facts in the foregoing affidavit mentioned, but that the said Pultz refused to make any affidavit whatsoever; that on the 17th day of April, inst., deponent requested John M. Stearns to make such an affidavit, but the said Stearns refused so to do, or to make any affidavit whatsoever.

WM. G. COOKE.

Sworn to before me, this 22d }
day of April, 1878. }

E. K. SACKETT,
Notary Public, New York Co.

SUPREME COURT.

The People of the State of New York
agst.
The Cypress Hills Cemetery and others. }

It appearing by the affidavits of Erastus Cooke and William G. Cooke, under the authority of the Attorney-General of this State, that the plaintiffs intend to make a motion to vacate the judgment entered in favor of the defendants in this action, and that it is necessary for the plaintiffs to have the affidavits or depositions of John M. Stearns, Henry F. Pultz and Homer A. Nelson, Esq., who are not parties to the suit, to use upon said motion, and that such persons have refused to make affidavits of the facts within their knowledge, respectively; I do hereby order that A. N. Miller, Esq., counselor-at-law, be and he is hereby appointed referee to take the depositions of the said John M. Stearns, Henry F. Pultz and Homer A. Nelson, for the purpose aforesaid.

Dated April 24, 1878.

JOS. POTTER,
Justice of the Supreme Court.

SUPREME COURT.

The People of the State of New York	}
<i>agst.</i>	
The Cypress Hills Cemetery and others.	

To the Supreme Court.

The undersigned to whom the examination of certain witnesses in the above action was referred do hereby respectfully report to this court: That I was attended by counsel representing the people in the above action, and by the following witnesses, to wit: Homer A. Nelson, H. F. Pultz and John M. Stearns, and that I duly administered to them the oath and took their examination which was reduced to writing by me and signed by them, and which examinations are hereto annexed. I further report that one of the witnesses, to wit, John M. Stearns, duly appeared but refused to be sworn for the reasons set forth in the examination, all of which is respectfully submitted.

May 3, 1878.

A. N. WELLER, *Referee.*

SUPREME COURT.

The People of the State of New York	}
<i>agst.</i>	
The Cypress Hills Cemetery and others.	

The examination and depositions of Homer A. Nelson, John M. Stearns and Henry F. Pultz taken *de bene esse* pursuant to the annexed order before A. N. Weller as referee.

Homer A. Nelson being by me first duly sworn says :

I know Winchester Britton, an attorney in Brooklyn. I knew of a suit of the People of the State of New York against the Cypress Hills Cemetery and others. I don't recollect the date. I have been told that I passed a check to Winchester Britton in reference to the matter of that action; it was connected with that action, but I have no personal recollection of it; I would not dispute it nor can I admit it, altogether of one or more checks amounting to five thousand dollars.

Q. Were they your own checks or either of them? A. No, had they been mine I should have recollected better about them.

Q. Have you any knowledge or information as to who was the drawer of the checks? A. I have not.

Q. Did you make any arrangement with Mr. Britton or have any understanding with him with reference to the disposition that should be made of the suit or the judgment that was to be entered in it? A. I cannot now tell whether I did or did not.

Q. What is your best impression, yes or no? A. My impression is that I did not run the suit or take a leading part of what was done in it, except I have an impression that I argued some motion in it at special term, but what it was I cannot now tell; I have an impression that subsequently I attended before the referee, put in proof before him, further than this I do not recall the action or its details to mind. I think I did not appear as attorney for any of the parties. The part I took was as counsel for some or all of the defendants. Yet I would not say that I did not talk to Mr. Britton.

Q. Repeated ? A. I have no impression about it.

Q. Who told you about this check that you passed to Britton ? A. You for one and Mr. Stearns told me that he gave me a check or checks amounting to five thousand dollars for Mr. Britton.

Q. Have you any recollection of receiving it from Mr. Stearns ? A. None whatever.

Q. If you did, did you pay it over to Britton ? A. I think I did.

Q. Was you aware during your connection with that case as counsel that negotiations were going on with Britton for the disposition of the case favorably to the defendant ? A. That I cannot now tell you. If in fact an arrangement had been made, I was probably told of it. Even though I might not have been told the details, but only the result.

Q. At the time you appeared before the referee and put in your evidence did you understand that the suit was not to be prosecuted by Mr. Britton, or that an arrangement had been made with him by which the defendant was to have judgment in the action ? A. My best recollection is that I understood that plaintiff's attorneys would not appear, my best recollection is that no arrangement was made as to the judgment but that defendants were to put in such evidence as they desired to produce and then take such judgment as the court or the referee (whether the referee had power to hear and determine I cannot now say) as the facts thus established would grant.

Q. Was there any appearance on the part of the plaintiff before the referee ? A. I think not when the proofs were taken, whether there was before I cannot say. The referee was H. F. Pultz.

Q. Do you know whether you drafted the report or not ? A. Only from what you have told me. You say the report is in J. B. McKewan's handwriting. He was my clerk, and assuming this to be true I assume what he did was by my direction.

Q. After this examination is your memory refreshed so that you can more fully answer the questions I have heretofore asked you ? A. I know of nothing that has refreshed my memory, and I answer no.

H. A. NELSON.

Sworn to before me, this 26th }
day of April, 1878. }

A. N. WELLER, *Referee*.

Henry F. Pultz, being by me duly sworn and examined, pursuant to the annexed order, says :

I was the referee in the action of the People of the State of New York against The Cypress Hills Cemetery and others, in the fall of 1874 ; I made and signed the report in that suit ; my recollection is that there was but one or two hearings in the matter ; Homer A. Nelson appeared for one of the parties and Mr. Snell, of Britton, Ely & Snell, appeared for the other ; the hearing was at my office, 67 William street, New York city ; I can't now say whether there was any evidence put in on the part of the plaintiff or not ; there was a large amount of evidence put in on one side or the other without objection, but I don't recollect which party put it in ; the evidence was depositions or examination of witnesses ; I took minutes and had a memorandum of all the matter that took place before me ; I knew James B. McKewan, he was Homer A. Nelson's clerk ; I am not able to say who prepared

the report in the case ; I should think there was but one day in which testimony was taken, there may have been one other day fixed, but my impression is that it miscarried ; the day of the miscarriage was, according to my recollection, the day before the actual hearing ; my impression is there was but two or three days altogether ; my report was made three days after the hearing ; I have no doubt but that Mr. Snell was there for I met him then for the first time, being introduced to him by Mr. Nelson ; I have no recollection whether Mr. Snell made any effort to sustain the plaintiffs' case or not ; I only recollect that a large amount of evidence and depositions was offered on one side or the other, but which one offered the evidence I don't now recollect ; there was one witness examined orally ; I am under the impression it was a Mr. Driggs, one of the trustees or directors ; I am not positive whether it was Mr. Driggs or not ; my impression is that I handed all the papers to the successful party ; and if the report was in favor of the defendants, I have no doubt I handed all the papers to the attorney representing them ; I don't recollect who drafted the report

H. F. PULTZ.

Sworn to before me, this 26th }
day of April, 1878. }

A. N. WELLER, *Referee*.

TUESDAY, April 30.

John M. Stearns, of Brooklyn, being duly subpoenaed, appeared before me and refused to be sworn, on the grounds :

First. That the suit mentioned in the title hereof was not pending.

Second. That what knowledge he had of the matter was obtained as counsel for defendants and was privileged.

May 3, 1878.

A. N. WELLER, *Referee*.

EXHIBIT C.

November 29, 1880.

At a special term of the supreme court of the State of New York, held at the court-house in Poughkeepsie, Dutchess county, on the 6th day of July, 1878.

PRESENT — Joseph F. Barnard, Justice.

The People of the State of New York	}
agel.	
The Cypress Hills Cemetery and others.	

The motion to vacate and set aside the order of reference and the referee's report, and the judgment entered in this action on the 16th day of November, 1874, having been duly heard, on the notice of motion dated May 8, 1878, and the affidavit of Noyes G. Palmer, sworn the 23d day of February, 1878 ; the affidavit of Noyes F. Palmer, sworn January 3, 1878 ; of Noyes F. Palmer, sworn February 23, 1878 ; the

affidavit of Erastus Cooke, sworn May 1, 1878; the affidavit of F. D. Benedict, sworn March 1, 1878; the affidavit of E. D. Benedict, sworn February 25, 1878; the affidavit of George W. Palmer, sworn February 23, 1878; the affidavit of Erastus Cooke, sworn April 23, 1878; the affidavit of Wm. S. Cooke, sworn April 27, 1878; the examination and reporting of witnesses taken before A. N. Weller, as referee, and on the judgment-roll in the above-entitled action, on part of the plaintiff in behalf of said motion, and on the order of this court, dated November 16, 1874, with the admission of a service of a copy thereof, signed "Daniel Pratt, plaintiffs' attorney," by Britton, Ely & Snell, of counsel, bearing date November 16, 1874; and the affidavits of John M. Stearns, sworn May 15, 1878; the affidavit of Winchester Britton, sworn June 6, 1878, in opposition to said motion; and after hearing Erastus Cooke, of counsel for said plaintiffs, in behalf of said motion, and John M. Stearns, attorney and of counsel for said defendants, in opposition thereto, it is hereby ordered that said motion be and the same hereby is denied with ten dollars costs to be paid by the plaintiffs.

(A copy.)

CHAS. B. ELLIOTT, *Clerk*.

At a special term of the Supreme Court held at the court-house in the city of Brooklyn, this 16th day of November, 1874.

PRESENT—Hon. A. B. Tappen, Justice.

The People of the State of New York
agst.

The Cypress Hills Cemetery, Edmund Driggs, William J. Pease, William Miles, John J. Van Alst, individually and as trustees of the Cypress Hills Cemetery, and Noyes S. Palmer as trustee of said Cypress Hills Cemetery, and Algernon S. Jarvis.

On reading and filing the referee's report herein bearing date on the 13th day of November, 1874, as made by H. F. Pultz, Esq., to whom it was referred to hear and determine the issues raised by the complaint and answer herein, and on motion of John M. Stearns, attorney for all the several defendants, and on hearing of Messrs. Britton, Ely & Snell in opposition thereto, it is ordered by the court that said report and the findings thereof be and the same is hereby confirmed; and it is further ordered, that the temporary injunction granted at the commencement of this action be dissolved, that the complaint be dismissed, but for the reasons stated in said report such dismissal be without cost to either party as against the others.

(Copy.)

GEO. G. HERMAN, *Clerk*.

Due service on us of a copy of the foregoing judgment and of the entry thereof is hereby admitted this 16th day of November 1874.

DANIEL PRATT,

By BRITTON, ELY AND SNELL, of Counsel.

SUPREME COURT.

The People of the State of New York
agst.
 The Cypress Hills Cemetery and others

CITY OF BROOKLYN, }
County of Kings, } ss.:

John M. Stearns, being duly sworn, says he is the attorney and counsel for the Cypress Hills Cemetery, and was their attorney in the above-entitled action. That judgment was entered therein on the 16th day of November, 1874, and notice of such judgment and a copy thereof was on the same day served on Britton, Ely & Snell, counsel for Daniel Pratt, the Attorney-General, who brought the action. That deponent has an admission of such service. That such judgment was entered in pursuance of a settlement of the suit negotiated between Judge Homer A. Nelson, employed as counsel for the defendants in the suit, and Mr. Britton representing the Attorney-General in the action. That deponent had no hand in negotiating such settlement further than to insist that such adjustment should have the form of a judgment as stated in the affidavit of Winchester Britton produced in this motion.

That deponent was opposed to such settlement and believed that the defendants had a good and valid defense on the merits and only assented to it from the consideration that the amount demanded for costs and counsel fee on the settlement was less than it would cost to prosecute or defend the action to a successful defense, besides the possibility of damaging the institution in its relation to the public by getting a receiver appointed under some pretext and damaging the institution in diminishing public confidence in it. That deponent then believed that Judge Nelson and Mr. Britton misapprehended the legal character and incidents of these cemetery corporations by applying to them the laws relating to *express trusts* and excluding the idea of the ordinary discretions and facilities of a business corporation such as pertain to banks and insurance companies. From an intimate investigation of the records of said cemetery deponent was convinced that the trustees had not exceeded the discretion charged on them by the law and necessities incident to the management of the corporation.

That since the settlement of said action, and the entry of said judgment, two of the defendants therein, John J. Van Alst and William J. Reese, have died; that it is more than one year since such deaths. That two others of the defendants, Noyes G. Palmer and Algernon S. Jarvis, ceased to be trustees more than three years ago or shortly after said settlement; that an act of the legislature was passed in 1875 validating certificate titles of the plats in said cemetery in private hands for resale, chapter 356, Session Laws of 1875; such titles are also recognized as legitimate property in a law taxing them, chapter 472, Laws of 1877.

That Edmund Driggs and William Miles were the only defendants in said action that are now trustees; that John M. Stearns, John T. Prentice, Nicholas Wyckoff and Adrian M. Suydam, making a majority of the board, have become trustees since that time; that deponent had nothing to do with negotiating the settlement, and does

not know, of his own knowledge, how much money was received by Britton; deponent only insisted on the settlement taking the form of a judgment after its financial terms had been fixed; deponent then believed and believes still that the judgment as entered was eminently just and no more favorable to the defendants than a thorough litigation of the case would have procured, though at enormous expense; that the referee's report in the judgment as published in the *Brooklyn Eagle* on the 14th day of November, 1874, is annexed below.

JOHN M. STEARNS.

Sworn to before me, this }
15th day of May, 1878. }

J. MILTON STEARNS, JR.,
Notary Public, Kings Co.

SUPREME COURT.

The People of the State of New York
agst.
The Cypress Hills Cemetery and others.

Affidavit on motion to open judgment.

CITY OF BROOKLYN } ss.:
County of Kings, }

Winchester Britton, being duly sworn, says, the history of the above case and matters pertaining thereto is as follows: Noyes F. Palmer called on me sometime in the fall of 1873, and desired me to take proceedings against certain trustees of the Cypress Hills Cemetery, I inquired of him as to the nature of the complaint and he said that the trustees had been speculating in lots to the prejudice of the institution; he said that his father was one of the trustees, but they had refused to employ him, Noyes F. Palmer, or to continue his previous employment; I do not recollect precisely which, but think the latter, and they were vulnerable, and he meant to go for them; by further conversation I learned sufficient facts to satisfy me that any action brought should be in the name of the People, and by the Attorney-General, and being then district attorney, I said to him that being such I concluded that I ought not to have any thing to do with the suit. Sometime in the spring of 1874, after I had ceased to be district attorney, Noyes F. Palmer called on me again with a statement of the alleged facts in the case, and wished me to interest myself therein, I concluded to examine his statement, and did so; at the next interview with Palmer I asked what his object was in prosecuting this action? If he desired to make any thing out of it? He said he did not, but only desired to right the plat-owners, and would like a place in the cemetery as employee or surveyor, etc., which was his business or otherwise.

I at length consented to initiate the proceedings if I could obtain the consent of the Attorney-General. I prepared the complaint and submitted it to the Attorney-General, who after some days gave his consent that the action be commenced. I gave the usual bond holding the State harmless as to costs, etc., and commenced the suit. After service of the papers I had several interviews with Mr. Stearns, who always insisted that the action was malicious on the part of Noyes F. Palmer, and claimed that they had a perfect defense. In the course of

such conversations he went over the different allegations in the complaint, and he made his explanations. He did not satisfy me that the defendants were not chargeable with a violation of law, but he did lead me to believe and I was assured that whatever had in fact been done by them had been under advice of counsel, and was not intentionally corrupt, but under a belief of the legality of their acts.

Afterward I saw Mr. Driggs, one of the defendants, who called on me, and he gave further explanations of the alleged wrongs, which confirmed my views of the facts of this case derived from Mr. Stearns' explanation. Soon after, Judge Homer A. Nelson called on me as counsel for the defendants. He said he was satisfied that Mr. Stearns had erroneously advised the defendants as to their legal rights, but he was certain that they had acted in good faith on said advice, and it would be a very hard case to prosecute them for fraud and violation of their trust under the circumstances, and he appealed to my personal knowledge of the reputation of, as well as my personal acquaintance with, some of the defendants, that they were incapable of intentional fraud as charged. The real cause of complaint against them was that they had, while trustees, speculated in lots, which I believe to be illegal, and with which Judge Nelson agreed, but Mr. Stearns did not agree.

I at length agreed to see Noyes F. Palmer, and if he would consent I promised to discontinue the action on payment of costs and disbursements, and a fair counsel fee. I saw Palmer, explained the matter to him in the presence of my partner, Mr. Snell, at my office, and told him if it was discontinued I would see that he was fairly paid for his services. He agreed at once to the discontinuance, and said he was sorry it was ever commenced, as the other trustees had charged that his father, who was one of them, had induced it, and so the suit had compromised him. Besides, his father had a large interest in the cemetery, which would be much depreciated in value by a litigation like this. But he disclaimed any desire to receive any money in the matter. I then agreed with Nelson to discontinue the action on the terms proposed. But it was afterward claimed by Mr. Stearns, I think, that there ought to be a judgment which should be a bar to any subsequent actions instigated by Palmer, whom Mr. Stearns claimed to distrust. And I consented that defendants might take proceedings before the referee to obtain a report and judgment thereon.

I requested Mr. Snell to attend before the referee at the hearing, which he did. I made the agreement which I did, influenced solely by what I thought to be right and for the interest of all parties concerned. Part of such agreement was that the wrongs complained of should be remedied, and that an act of the legislature enabling a reorganization to be effected should be drawn and asked for by the defendants, and in fact Mr. Stearns submitted to me a draft of an act accordingly, which I learned was presented to the legislature, and I believe passed.

I believed then, and believe now, that I should have succeeded in the action, by reason of the fact that the trustees had really violated the law. But I saw no good was to come to any one connected therewith from the prosecution of the action under the circumstances.

But I believed then, and believe now, that pecuniarily it would have been more advantageous to me to have continued the action than to

end it as I did. Meanwhile, before final proceedings, I wrote to the Attorney-General what I had done, and stated to him that unless I heard to the contrary from him I should carry out the arrangements. I heard nothing from him.

The amount of work done by me in the matter was very great, and the disbursements for work by others were very large. I worked on it in order to obtain the facts in detail, and to prepare the complaint, and for ultimate trial. Very many evenings in my library for the entire evening until late at night I employed experts to examine the books of the cemetery, which defendants consented should be done to avoid a motion, who were engaged on their work for almost two weeks, and I was engaged at night in arranging and examining the result of the work done during the day, and had frequent interviews with Palmer, both night and day. It was necessary to go over transfers of lots for many years upon the books, and the complaint, based upon the facts in detail, contained nine pages of closely printed matter, while the compilation of facts, which were obtained from numerous sources, covered 125 pages of closely written matter, which I now have, and am ready to produce. In short, the labor was immense, and greater than in any other action I have ever been engaged in during my practice, and involved difficult questions of law, which I examined, and the disbursements in the aggregate were more than one-half of the amount recovered by me, and the compensation for the work done by me was not large or in any sense excessive.

After this matter was closed I saw Attorney-General Fairchild on other business, who said to me that one Noyes F. Palmer had been to him complaining that I did not pay him money that he was entitled to in this matter and I then explained to him what had been done and under what circumstances and that ended the matter as to him.

As to Noyes F. Palmer after the settlement and proceedings were closed he came into the office, Mr. Snell being present, and on being informed that the whole matter was ended expressed his extreme satisfaction with the result, repeating the reasons before stated by him, and I then and soon after gave him \$550, besides making no charge to him for legal services theretofore and thereafter rendered to him worth at least \$250, with all of which he then expressed himself satisfied. Sometime afterward Noyes F. Palmer called on me and said he had heard that I received \$5,000 in this matter and he demanded \$2,000 more, claiming to be entitled to one-half; I explained to him that such was not the fact and that he was already aware of all the facts as they were, but he became violent and offensive because I would not give him \$2,000 more, so much so that I was obliged to command him to desist or leave the office.

Soon after he brought an action against me, claiming \$2,000 for balance for alleged services rendered in this matter, to which an answer was put in. But before it came to trial he came into my office, acknowledged he was wrong and asked me to give him some more money as a matter of charity or friendship, I told him he had no right to ask me for money on that ground while he was suing for it as a matter of right, whereupon he offered to give me a discontinuance which he then and there did. Afterward he came in and said he needed money, very much and asked me for \$1,000 which I declined

but told him if he was in distress I would give him something, say \$250 or thereabouts, at which he flew into a passion and declared he would pursue me as long as he lived and then exit Noyes F. Palmer until now.

I have never been heard as to this matter or the facts connected therewith by the present Attorney-General and I may be permitted to say that had I been I do not believe he would have given authority to the Messrs. Cook to have made a motion to open this judgment, which I doubt not is made on behalf of Noyes F. Palmer.

WINCHESTER BRITTON.

Sworn to before me, this }
6th day of June 1878. }

S. A. HAYNES,
Notary Public Kings county.

CITY OF BROOKLYN, }
County of Kings, } ss.:

Henry Snell, being duly sworn, says, that the conversations related in the foregoing affidavit as having taken place in his presence are therein correctly stated.

HENRY SNELL.

Sworn to before me, this }
6th day of June, 1878. }

S. A. HAYNES,
Notary Public Kings county.

George A. Kingsland, being duly sworn, deposes and says: I reside at 137 Kent street, Brooklyn, E. D.; am a lot-owner in the Cypress Hills Cemetery for fifteen years; I bought two and sold one-half of one to my brother-in-law; one is numbered 404, section 9, December 5, 1865, and the other is 495, section 5; I bought my lots direct from the cemetery, negotiating with Noyes F. Palmer; I was told of a "care fund" by Mr. Palmer; there was two different prices on the lots, one with and one without the care fund proviso attached; the object of the care fund was to keep the plots in order; I paid the additional amount on the two plots I bought to have them cared for; the deeds did not specify any thing in relation to a care fund; I paid \$240 for the two plots; the receipt I hold is for \$240; this was the price of the two plots, with the care fund provided for; burials have been made in both plots, and nothing has been done in caring for the plots; I had the the plots inclosed with arbor-vitae fence, costing \$55; in March, 1866, I paid this to Mr. Palmer as superintendent of cemetery; this, I think, was too much; this work ought, I think, to be done for twelve dollars.

In answer to Mr. Griggs, witness said he did not know that when he paid for the two plots, it was a year before the care fund was established; I was promised a care fund certificate by Mr. Palmer; Mr. Palmer told others they should have care fund certificates; lots were sold at that time with care fund privileges; I did not know that the plots did not belong to the cemetery when I bought them; I have nothing in writing or print to show that I was promised a care certificate; I have witnesses to what Mr. Palmer said to me.

By the COMMITTEE :

The deed was from the cemetery to me ; I spoke to Mr. Palmer in relation to there being no clause in the deed of the care fund ; I never made any demand on the cemetery ; only to Mr. Palmer once, about caring for my plots ; I had conversation with Mr. Palmer at the office at Cypress Hills.

Mr. Edmund Driggs, recalled :

When Mr. Kingsland got his deeds it was about one year prior to the authorization of any care fund certificates ; the first of these certificates was issued on September 13, 1865, as shown by the care fund book.

By Mr. Cook :

The deed to Mr. Kingsland was issued by the cemetery upon the surrender of the certificate held by a private party, John J. Van Alst ; I do not know who he got these certificates from ; he may have got the plots from me ; I never heard of any individual giving a deed for plots, but on the surrender of the certificates and the payment of one dollar each plot, the cemetery gave the deeds ; I held plots on certificate at this time I think ; I never sold any plots, but improved ; those I had improved.

Adjourned until Wednesday, December 1, at 3 P. M.

OFFICE CYPRESS HILLS CEMETERY,
BOWERY AND GRAND STREET,
NEW YORK CITY, *December 1st, 1880.*

PRESENT—Messrs. Wren and Russell.

Mr. Stearns recalled, submitted points in application to bring suit.

EXHIBIT A.

December 1, 1880.

SUPREME COURT—COUNTY OF KINGS.

The People of the State of New York	}
<i>agst.</i>	
The Cypress Hills Cemetery and others.	

The preliminary objections to this motion are these :

First. If the motion had merits (which we deny) after three years and a half it is too late to entertain this motion. The Attorney-General through his representatives had notice of this judgment the day of its rendition, to-wit, the 16th day of November, 1874.

Second. An Attorney-General cannot impeach the acts of his predecessor in office ; in a collateral motion as to which, the former in-

cumbent in office or his representatives are not parties, and of which motion they have not had notice.

Third. The acts of the Attorney-General or of those acting under his authority are binding on the people made parties to a litigation to the same effect as on any private party to an action. And his successor in the same office is bound as by an *estoppel*, by the acts of his predecessor. The office and its official acts are perpetuities, though the *incumbent* may be changed the successor is bound by the official acts of his predecessor to the same effect as if such acts were his own, hence this motion being in conflict with the acts of a former Attorney-General cannot be entertained.

But this motion is made against collateral parties, while the old Attorney-General is left out. If he has been corrupt or unfaithful in office he might perhaps be indicted and punished. But until such indictment and conviction, the records of this court affecting a private or collateral party cannot be set aside or overruled on such a motion as this.

Fourth. Two of the defendants in said action since said judgment was entertained have died, and more than one year has transpired since their death, and their estates are so relieved from the charge of any equitable burden sought to be imposed on the defendants in the action.

Fifth. But two of the defendants in that action are now trustees of the cemetery, while five of the incumbents have come in since and are in no way implicated in any of the charges made in the complaint. And the burdens of a litigation, with respect to which they have not been implicated, will impose an intolerable hardship.

The facts on which these preliminary objections are taken will doubtless be conceded by the moving party here. They will appear in our affidavits if we are compelled to go on with the motion.

SUPREME COURT—KINGS COUNTY.

The People of the State of New York	}
<i>agst.</i>	
The Cypress Hills Cemetery and others.	}

Judgment was entered in this action, November 16, 1874. On the same day a copy of the judgment was served on Britton, Ely & Snell, acting for Daniel Pratt, the Attorney-General.

It is too late to open said judgment or to interfere with it otherwise, than, perhaps, to correct its record on papers and facts subsisting at the time of its rendition.

That judgment so standing binds the parties, and all matters embraced in the complaint therein, so far as the people, etc., are concerned.

The present motion is made on an allegation of fraud and collusion in procuring it to be rendered; but any question of fraud cannot be tried here on affidavits. Fraud is always a question of fact to be tried by a jury.

I do not pretend to say what jurisdiction the court might have on a regular suit, predicated on this record, though I think the record must operate as an estoppel against such a suit by any party to the judgment.

The fact that this judgment was the result of a settlement, and that, to avoid the heavy expenses of litigation that defendants paid the costs and counsel fees of the representative of the people in the suit, may as well be conceded. To make the settlement effectual to any useful purpose, it was necessary that it should be completed by a regular judgment, else any mischievous person could commence a new suit in the name of the people the very next day for the same matters embraced in this complaint.

The point is raised in this motion, if the Attorney-General is competent to control any action brought in the name of the people, to adjust, settle, compromise or prosecute the same, and whether an adjustment made by counsel acting under his written authority can be interfered with by anybody. As to the counsel's responsibility to the Attorney-General, that is a matter for him to settle. We having in faith of his authorization arranged the settlement of a controversy, should not be held responsible for his use of his discretions.

The fact of giving the settlement the form of a judgment is not without precedent. In the case of *Field v. Kinsella*, after the damages had been agreed on, the grave and venerable Judge Greenwood proceeded to hear the evidence of criminal conversations, made a report on which judgment was entered, which has stood unquestioned to this day.

So much for our position on this motion by way of preliminary objections.

If the court believe they have a right to entertain an interrogation of the record in this judgment at this late day, I have the argument I had prepared on the motion to dissolve the injunction with the affidavits and papers on both sides as the matter then stood. I had the conviction and still feel assured that had a hearing been had on that motion it would have disposed of the case in our favor.

If the court wish to lend its aid to these fishermen for mischief, to review this record on its merits, I would ask the court to appoint us a two days' hearing on which our papers will show the character of that suit to the disgust of all reasonable men, and the illustration of the vile uses to which law and litigation may be prostituted in the interest of such a relator, as virtually appeared in that action.

There is another reason why the judgment as entered should not be disturbed, in the fact that William J. Pease, one of the defendants, has been dead over a year, as also John J. Van Alst; Algernon S. Jarvis, defendant, has not been a trustee since the action was settled; Noyes G. Palmer resigned as trustee shortly afterward.

It is just to myself to say that I did not approve of any settlement of the action in question, I believed then and believe still we had a good defense on the merits, but was overruled in favor of the expediency of the settlement from these considerations; that the expense of the defense would be more than the counsel fee that would be satisfactory to Britton on a settlement; which apprehension had some foundation since I was attorney in the action and Judge Nelson was counsel.

The possibility of a receiver being appointed pending litigation, to take possession of the money income of about \$20,000 a year of the institution, rendering all plans for care and improvements nugatory and preventing in the meantime the sale of lots from the presumption of uncertainty as to the future of the institution and cemetery in litigation, repels confidence in its patrons by jeopardizing the safety and repose of the dead.

Then there was alongside of us the result of the mischievous and unfriendly litigation against the Evergreens and receivership for ten years at an expense of \$18,000, who though an honest and worthy man, could in his situation do little or nothing to give confidence to the public in the concern. After law costs to the amount of near one hundred thousand dollars had been incurred, a decree for the sale of the franchises and all lands of the institution not in actual use as grave plots, in the interest of the bondholders, was obtained, and after the sale, under a special law, the purchasers were organized as a stock company and no plot-holder as such has since had a vote in the institution.

But we have bought our peace in good faith, have entered judgment on a report which, so far as the case related to the then trustees, was eminently just. And the disturbance of that judgment would operate in casting the burden of litigation on five out of the seven trustees now in office who are in no manner responsible for the matters set forth in the complaint in said judgment. *Let the decision stand*, is a maxim that in rare cases may have worked hardships, but in ninety-nine cases out of a hundred it has operated in the interests of substantial justice.

The chief prayer of that complaint was that the court should cancel, vacate and set aside the plot titles held in private hands for resale. Those titles as vested interests have since been validated by the legislature in 1875. The legislature authorized the trustees to issue bonds to purchase in these lots, and in 1877 burial plots held for resale in private hands were authorized to be taxed by the corporation.

The law is different from what it was when that suit was commenced. The trustees are different, and the general policy in the management is radically changed from what it was when Noyes G. Palmer was superintendent. If there was any good purpose entertained in that litigation it has been realized under the settlement in displacing an incompetent superintendent, in introducing a new board of trustees excepting two members of the old board, in measures to restore the custody and sale of all plots in the cemetery to its managers, and in a general system of economy that if undisturbed will assure a satisfactory prosperity to all except such sinister interests as are represented on this motion.

But to recapitulate. This motion is too late.

Allegations of fraud proved only by affidavits cannot disturb a judgment regular on its face without a new suit and regular trial predicated on the judgment.

The charges of fraud are disproved by the defendants' affidavits.

If money was paid wrongfully, Noyes F. Palmer got \$550 of it and cannot now act as relator with respect to an alleged wrong under which he profited, and to which, by receiving the money, he made

himself a party. Noyes F. Palmer was either relator in the suit in question or he was not.

If he is relator and relator in this motion, then he can only be heard on this motion on facts and matters transpiring after he became a plot-holder. And had he appeared in the record as relator, the complaint would have been demurrable as to all allegations relating to matters when the relator was not a plot-holder.

Britton, the counsel, knew this and brought his action not as at the instance of a relator, but without a relator, as under the general directions of the Attorney-General in relation to corporations.

In that action young Palmer never had any standing in court, and neither he nor his father or uncle have any standing here on this motion.

His affidavit that he was not advised of the entry of the judgment sought to be set aside is of no more consequence than such an allegation of any transient person in the street. Judge Cook swears that he has obtained an authorization from the Attorney-General to make the present motion. Why was such authorization necessary, and why was it sought, if the action as brought and was settled as they have chosen to make the record on the official discretion of the Attorney-General? Can the acts of one Attorney-General be reviewed by his successor or by any mischievous private person, as is sought in this motion, as against the forms of law, the records of the court, and the principles of a sound jurisprudence?

This motion must be denied with costs against the impertinent movers who, it will be seen, have no standing in court either under the forms of the action or the judgment Attorney-General Pratt adopted.

SUPREME COURT — COUNTY OF KINGS.

The People of the State of New York
agst.

The Cypress Hills Cemetery, Edmund
Driggs, William Miles, John J. Van
Alst, individually and as trustees, and
Noyes G. Palmer and Algernon S.
G. Jarvis.

¶ Noyes F. Palmer first became a plot-holder in the Cypress Hills Cemetery during the year 1873. He verified the complaint May 14, 1874.

Raising the presumption that he bought lots to obtain a standing to bring the action.

Of the original trustees, Caleb S. Woodhull, Abraham H. Van Wyck, Charles Miller, Edwin Williams and Christian C. Delavan are believed or known to have been dead many years. It is more than twenty years since O. Edwards Lester and Luther R. Marsh ceased to act in matters of the cemetery. The complaint in the judgment

sought to be opened is predicated on bonds issued by the first trustees, as to which any act, except one of these bonds itself, is barred by the statute of limitations.

It was more than twenty years after the retirement of those bonds and the compromise of any claims by their holders by certificates of burial plots worth then about ten per cent of the nominal face of those bonds, without interest, before the commencement of the action in which the judgment is sought to be set aside on this motion.

That while said bonds were not issued, or sold for their face, the cemetery had raised upon hypothecation \$14,000 paid in liquidating a mortgage on said grounds, and a part of those who received certificates for plots did advance and pay said \$14,000, which went to the direct benefit of the cemetery, about equal to the then value of the plots they received. Our construction of the matters made the subject of this action in question appear in the verified answer on the action that appears to have convinced Mr. Britton of the injustice of pushing a litigation on grounds he esteemed merely technical, while a moral justification was so pleaded.

Mr. Miles recalled :

In explanation of a missing account from July, 1854, to July, 1855, which is apparent in the statements given to committee November 23, 1880, I would say: About that time we changed secretaries, and as far as my recollection goes at the time the accounts ceased in the cash book, the secretary resigned. His name was Thomas Llewellyn. By the books the last entry he made was September 11, 1854. Mr. Dobbs became secretary and the first entry made by him was February 1, 1855. I think in the interim we depended on the accounts of Noyes G. Palmer and by my bank book as treasurer, I find that in August, 1854, when Col. Nellis was agent, and Palmer superintendent, the cash operations most of them passed through their hands, the entries being omitted in the office cash book.

Adjourned until Thursday December 2, at 3 P. M.

OFFICE CYPRESS HILLS CEMETERY,
BOWERY AND GRAND STREET,
NEW YORK CITY, *December 2, 3 P. M.* }

PRESENT—Messrs. Wren and Russell.

Mr. Runcie recalled :

The following is a statement of cash receipts and expenditures for the past six years. The last year Mr. Palmer was in charge the receipts were less than the expenses.

EXHIBIT A.—December 2, 1880.
Statement of cash receipts and labor expenses from November 1, 1874, to November 1, 1880.

	Orders.	Sales.	Total.	Pay-roll.	Salaries.	Total.	Labor over receipts.
Year ending Nov. 1, 1875...	\$16,692 25	\$4,437 25	\$20,529 50	\$15,437 50	\$5,000 00	\$20,437 50	\$92 00

Noyes G. Palmer, Superintendent, dismissed November 15, 1875.

New Organization.

	Orders.	Sales.	Total.	Pay-roll.	Salaries.	Total.	Receipts over labor.
Year ending Nov. 1, 1876...	\$15,665 05	\$3,795 00	\$19,460 05	\$14,021 87	\$4,100 00	\$18,121 87	\$1,338 18
Year ending Nov. 1, 1877.	13,480 42	4,896 00	18,376 42	12,157 38	4,100 00	16,257 38	2,119 04
Year ending Nov. 1, 1878..	13,147 23	6,492 11	19,639 34	12,080 11	4,100 00	16,180 11	3,429 53
Year ending Nov. 1, 1879..	13,209 84	5,895 00	19,104 84	10,972 51	3,900 00	14,872 51	4,232 33
Year ending Nov. 1, 1880..	13,968 48	7,972 75	21,941 23	10,390 06	3,564 00	13,954 06	7,987 17

By Mr. COOK:

I know nothing about the sales of lots in 1874 and 1875, until July 1, 1875. I made this statement up myself until July 1, 1880, and from that date until Nov. 1st the other items were made up by the young man at the cemetery. I know this record to be correct until July 1, 1880, and judge they are proper since that. I don't think I was connected with cemetery when any sale of lots was made to the Cannon Street Baptist Church.

Noyes G. Palmer recalled:

I knew of the affairs of cemetery until July 1, 1875. I ceased to be superintendent in November, 1875. There was a sale of lots made to the Cannon Street Baptist Church (100 lots) for \$8,000. This was to be paid for when the church land was disposed of in Williamsburgh. These lots had not been paid for when I left to my knowledge; I don't think the money had been paid. We contracted to make their removal for them for \$5,000. The labor account was about \$2,000, the labor being embraced in the account of July 1, 1874, to July 1, 1875. The \$5,000 was a bill receivable. During that year we macadamized about one mile of roads. This was an extraordinary expenditure.

Mr. Miles recalled:

Cross-examined by Counselor COOKE:

I became a trustee in 1851; I was not one of the original trustees. The bonds given to Mr. Van Wyck were in existence at the time I entered the association. I purchased \$30,000 of bonds, the denomination being \$5,000. I understood they were a portion of the original bonds given to Mr. Van Wyck, I knew nothing of the amount of original bonds to Van Wyck; or their denomination. I am now in possession of two bonds of the cemetery of face value of \$1,000 each. I received those in 1879, about that time; I gave 67 lots I think for these two bonds. I was a trustee at the time I got the bonds; I had had the lots 25 or 30 years. Do not recollect who I got these lots from; I got them from private parties, not the cemetery; I have other lots now, and have sold some of them; I think I was present at the meeting of the board of trustees when it was decided to give these bonds for lots to Mr. Driggs and myself; I did not receive lots or money in compensation in any shape for my portion of the moneys paid individually to Campbell in the Starkweather case settlement. None of the other trustees received any plots or money for their individual advances in the Starkweather case; I did not consider that Campbell had any claim, any proper claim for which the settlement was made; the origin of the claim, as I have been informed, was some metallic-coffin claim; my reason for the association paying \$5,000 to Campbell was, that additional litigation would tend to depreciate the cemetery property, more than the payment made to settle the case. I made no examination into the Campbell claim; Mr. Nellis told me about the metallic-coffin matter; the understanding was that Starkweather had paid \$2,500 for the bond, and as it was talked by the trustees, that with interest, as well, would amount to \$5,000; we

were advised by counsel to settle this matter; it was a verbal opinion, given to the full board by Luther R. Marsh, who had actually been connected with the cemetery; the board discussed the matter on several occasions; it was the unanimous decision of the board to settle the matter; Mr. Driggs was one of the trustees, myself another, Pease another, H. G. Law another and Mr. A. H. Jarvis another, John J. Van Alst another, and Joseph G. Merritt another; I don't remember whether the board of trustees took formal action, but it was agreed to; it is customary when an amount of money is contributed to have formal minutes of the fact; the cemetery at the time did not pay any thing, the individual trustees advancing the money, and taking notes of the cemetery, which were subsequently paid by the cemetery, as appears on the books; secretary Edwards drew the notes; it is not customary when a note is drawn for it to appear on the minutes.

Mr. Edmund Driggs, recalled:

As an additional reason for the action of the trustees in the Starkweather case settlement, I would state that the trustees on several occasions discussed this matter after the claim was made by Campbell's attorney, Judge Hilton, he, Hilton, stating that his client had paid consideration, and they would commence proceedings in another form; I reported the result of my interviews with Judge Hilton to my associate trustees, and that Judge Hilton had said he would discontinue all proceedings on the payment of \$10,000; that the costs and interest had amounted to a large sum, and he would not discontinue for less than the \$10,000; this I reported to my associate trustees; at a subsequent meeting, at which Mr. Luther R. Marsh, P. T. Barnum, a large lot-owner, and one or two others were present, all I think being large lot-owners, the matter was discussed, and all present agreed that the best interests of the institution demanded a settlement on Judge Hilton's terms rather than to have further litigation; Mr. Marsh was asked his opinion as counsel and gave it as his opinion it was the best thing to settle. Then the question was discussed, how shall the money be paid? The cemetery not having the funds, the proposition was made that the outside lot-owners, and parties other than the cemetery should pay one-half, and the cemetery the other half. The reason that others aside from the cemetery desired the payment to be made in this way was that they were interested as lot-owners, and thought it to the best interest of the cemetery not to have further litigation. The \$5,000 assumed by lot-owners was paid in cash by them individually, and the cemetery made notes for the other \$5,000 that were indorsed by trustees as individuals, discounted, and finally taken up and paid by the cemetery.

By Mr. COOKE:

Mr. Driggs answered, I do not know who Starkweather got his bond from.

Mr. Stearns recalled:

I was counsel for the cemetery in 1874 in the suit brought by

Attorney-General against the Cypress Hills Cemetery. The claim that the cemetery had been despoiled of \$5,000 in the Starkweather suit was embraced in that suit. The trial was had to give form to the settlement under stipulation.

Adjourned until December 3d at 3 P. M.

OFFICE CYPRESS HILLS CEMETERY ASSOCIATION, }
BOWERY AND GRAND STREET, }
December 3, 1880, 3 P. M. }

PRESENT—Messrs. Wren, Russell, Lindsay, Clowes and E. D. Benedict.

John Tregaskis, being sworn, deposes and says: I reside at 73 Myrtle street, Brooklyn; I desire to place in evidence extracts from and the report of the Cemetery Association for 1852:

EXHIBIT A.

December 3, 1880.

THE PRESENT STATE OF THE ASSOCIATION AND ITS FINANCES.

Large expenditures for buildings and improvements as well as for the purchase of cemetery grounds were found to be indispensable at the very commencement of its existence, and they were necessarily to be incurred, to a considerable extent, before any of its ordinary revenues could be realized. An entrance lodge for the use of the keeper and accommodation of visitors, a receiving tomb, bell tower, etc., extensive preparations and arrangements in the grading and survey of the land, and the constant employment of a great number of laborers for that purpose were deemed requisite at once and would not admit of postponement to a future day. The trustees therefore directed their earliest attention to these important objects, and by keeping them constantly in view, with great perseverance and personal devotion to the great and growing interests of the institution, they have been enabled to accomplish in the brief space which has elapsed since their organization, more than has ever been accomplished by any similar association within so short a period of time. And they are now happy to announce that the improvement and embellishment of the grounds are going forward at the present time even more rapidly and with more effect than at any former period. All the incumbrances of whatsoever kind or character, including the bonds of the company given for the payment of the purchase-money, have been removed and canceled; and there remains now no incumbrance or lien of any description upon any portion of the grounds appropriated to cemetery purposes, page 17.

The present condition of the finances and property of the association are shown in the following statement:

Liabilities.

Due the trustees for money advanced.....	\$10,450 67
Balance due on lands recently purchased.....	8,700 00
Total liabilities.....	\$19,150 67

Assets.

Consisting of bills receivable, and amount due on lots sold, implements, teams, etc., as per cash valuation...	\$10,650 00
Balance of liabilities.....	<u>\$8,500 67</u>

The payments of the association since its organization have amounted to the sum of \$78,474.05, for which they now have (in addition to the assets above mentioned and the unsold lots) twenty-one miles of roads, avenues and paths, between two and three miles of wood and stone fence, a keeper's lodge, an observatory, a bell tower, a large receiving vault, a nursery building for the cultivation of plants and flowers, an extensive and costly ornamented flower garden; to which may be added as forming part of the expenditure above named, the planting of upwards of 5,000 choice and valuable trees; the clearing and trimming of nearly two hundred acres of underbrush and woodland; grading several thousand lots, etc., including also the payment of office rent, commissions to general agent, salaries of secretary, keeper and surveyor. The only paid officers of the association are the general agent, the secretary, and the superintendent of the grounds. The number of men employed upon the grounds averages about forty, varying from twenty-five to seventy-five, according to circumstances. The number of interments in the grounds up to the first of July, 1852, was 3,486. The number of monuments and vaults, 300. Several hundred new monuments and fences are now in the course of erection and will soon be completed."

I refer to these extracts from page 17 of the 1852 report to show that the keeper's lodge, the observatory, the bell tower, the receiving vault and the ornamental flower garden were placed on the cemetery grounds prior to 1852, at the time of the publication of this report; and with the exception of the building of the north lodge and the necessary repairs caused by wear and tear, no other new buildings have been added on the grounds. The report shows that every incumbrance, including bonds, etc., had been canceled, and that there was no incumbrance or lien of any description on the portion of the grounds appropriated for cemetery purposes. I also place in hands of committee a card which I obtained in 1878 in the office of the cemetery, New York:

EXHIBIT B.

December 3, 1880.

CYPRESS HILLS CEMETERY.

The attention of "lot proprietors" is called to section 9 (on the other side of this card) of the law "incorporating rural cemetery associations." Pursuant to this section, a "trust fund" has been established by the trustees of this cemetery, and already has several thousand dollars invested.

By resolution of the board, each lot sold by the cemetery, since the 1st day of May, 1865, will have twenty dollars paid into the "trust

fund" by the treasurer of the cemetery, for the especial benefit of said lot. From this source alone, several hundred thousand dollars will eventually be accumulated, the interest of which will be forever devoted to the care of the lots that have contributed to the "fund."

By the payment of thirty dollars, purchasers before the 1st day of May, 1865, may have their lots entered upon the "perpetual care list," and will be entitled to all the privileges of purchasers since that date. The perpetual care of fences, monuments, or any other improvements may be provided for by agreement with the officers of the cemetery, and the payment (of the sums agreed upon) into the "trust fund."

FORM OF "TRUST FUND CERTIFICATE."

Know all men by these presents:

That.....ha.....
to Cypress Hills Cemetery,.....upon trust, to apply
the income thereof, under the direction of the trustees of said cemetery,
for.....pursuant to the following section
of "an act of the Legislature of the State of New York," entitled
"An act authorizing the incorporation of rural cemetery associations,"
passed April 27, 1847:

SEC. 9. Any association incorporated pursuant to this act may take and hold any property, real or personal, bequeathed or given upon trust, to apply the income thereof under the direction of the trustees of such association, for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings, structures, fences or walks, erected or to be erected upon the lands of such cemetery association, or upon the lots or plats of any of the proprietors; or for the repair, preservation, erection or renewal of any tomb, monument, grave stone, fence, railing, or other erection, in or around any cemetery lot or plat; or for planting and cultivating trees, shrubs, flowers or plants, in or around any such lot or plat, or for improving or embellishing such cemetery, or any of the lots or plats in any other manner or form; consistent with the design and purpose of the association, according to the terms of such grant, devise or bequest.

The trustees of said Cypress Hills Cemetery accept the said
upon trust, for the purposes aforesaid.

In witness whereof, they have caused this certificate to be signed by
their president, and by their treasurer, and their common seal
[L.S.] to be hereunto affixed, the day of in
the year of our Lord one thousand eight hundred and.....
Countersigned and registered.

....., *President.*
....., *Treasurer.*

In response to Counselor Wakeman the witness Tregaskissaid: "I first visited Cypress Hills Cemetery in 1854; I was a boy and attended a funeral there. I first visited it to make an examination shortly after April 13, 1878; my visits previously were merely casual; when I visited in 1878, I made minutes of my observations; I have visited for the inspection of cemetery affairs four or five times; I did not always make minutes; my diary will show my visits and something of the information I obtained.

(Witness asked to produce his diary at next meeting.)

I did not testify from personal knowledge what improvements were in the cemetery in 1852; I obtained my information from the report; I decline to answer where I got the pamphlet; I have personal knowledge that the pamphlet is an authentic report of the corporation; when I saw the book first it was owned by a person connected with the cemetery; not Mr. Palmer; I decline to answer what the person's position with the association was; I saw the book first in 1878, within an enclosure owned by the cemetery; I decline to say whether it was within any building owned by the cemetery; I have no personal knowledge of the buildings or improvements, save that I have obtained since 1878; there is no observation of improvements, etc., in my diary; it was late in the spring or early in summer, when I went first to Cypress Hills, to investigate in 1878; I was employed by the *New York Herald*; when I first went to Cypress Hills, I had been on the *N. Y. Herald* about six years; I went in my capacity as reporter; I was in same capacity while visiting other cemeteries; am the owner of no lot in Cypress Hills; my investigation of records in Cypress Hills was in my capacity as reporter; have had no personal experience in organization or laying out of cemeteries; have no personal knowledge of roads laid out there from 1852 to 1878, only from evidence given before this committee, and none whether paths, roads or avenues had been continued or discontinued; no knowledge for the twenty-six years what buildings had been modified, improved, or taken down, or changed; no one visited with me on the first visit in 1878; I was there about two hours; did not converse with any officer of the cemetery; simply walked around; within a month thereafter I visited it again; I cannot name the month; the second visit I made alone, and it was in the early summer; on the second visit, I think, I went to the office; cannot tell who I saw or how long I was there; cannot tell without my diary, when I went the third time or what occurred there; this is the case with the fourth visit.

I visited so many cemeteries in 1878 I cannot tell as to any particular visit on any particular time, outside of my diary; on my attendance here I am reporting it for the *Brooklyn Eagle*; I represented two lot-holders here, Jeffrey Smith and his brother-in-law, both holding one lot each; I cannot tell the other lot-owner's name; my arrangement to attend here was made with Mr. Smith who is on one of the ferries.

Adjourned until December 7th, at 2 P. M.

OFFICE CYPRESS HILLS CEMETERY ASSOCIATION, }
BOWERY AND GRAND STREET, }
December 7, 1880. }

PRESENT—Mr. Wren.

Algernon S. Jarvis, being sworn, deposes and says: I reside at White Plains, Westchester county; I know nothing of the formation of the Cypress Hills Cemetery corporation; in 1855 I became connected with

the association as trustee, having been a lot-owner from April, 1852, at which time I purchased 167 lots; I remember that 64 additional acres were purchased in 1854; I know that Messrs. Driggs, Pease and Miles purchased 64 acres and offered to me one-eighth of that purchase, which I was to be placed in possession of within two years of the date thereof in the form of cemetery plots, in case they were, that is the ground was turned over to the cemetery, otherwise they were to convey to me one-fourth of the property purchased, that is the 64 acres of land; they were subsequently, the 64 acres, included in the cemetery, and I received certificates for 640 plots for which I had paid to the persons aforesaid \$8,233.40; the plots I bought in 1852 cost me \$15 per plot; I bought these of Mr. Driggs; in March, 1854, I bought of Messrs. Driggs, Miles and Pease 450 lots at the same price, \$15 each; I paid the \$8,233.40 in 1856, I think; I see it was March 29, 1856, I paid \$7,766.73; on January 28, 1857, I paid to Mr. Driggs personally a balance on that account of \$66.66, and on the 18th of May, 1857, I paid Wm. Miles personally, an amount which appeared to be due on the 64 acres, of \$500; I paid also some other small charges incidental, might have been ten, fifteen or twenty dollars, on the same transaction; by the terms of the contract, one-eighth or one-fourth as explained were to be given to me; I was trustee until 1874; the first purchase I made from Mr. Driggs I understood were his own plots which he had received in exchange for bonds which had been canceled.

In answer to Mr. Driggs, witness said he could not remember at date of first transaction with Driggs; that he, Driggs, and the trustees were anxious to get the lots into the hands of persons who would not put them in competition with the cemetery; during the time I was trustee I know efforts were made to this effect; do not know that Miles and Driggs at different times bought outsiders' plots; I knew that Miles owned a large number at one time, nearly 4,000 plots; do not know that trustees bought from outside parties when they could; heard that Miles did at times; as late as 1868 I heard, I think, that Miles held 4,000 lots; knew nothing about the purchase of the 64 acres by Miles, Pease and Driggs only what they told me; I know that Driggs acted as president under salary, but I did not know that Driggs resigned from the insurance company in order to attend solely to cemetery matters; Driggs served also without salary as president; what induced me to pay the \$8,233 was that the land would become very valuable; I know nothing as to the agreement made by Messrs. Miles, Pease and Driggs in their purchase of the 64 acres; did not know that I was paying more than a fair price when I paid the \$8,233; do not now know that I paid more than a fair price; I got my proportion of the plots as agreed upon.

In answer to Mr. Palmer, witness said: "I suppose I was only paying my proper proportion in buying the 64 acres of land, supposing I was dealing with honorable men."

In answer to Chairman, witness said that Messrs. Driggs, Miles and Pease, stated they were paying as much as I did to purchase the 64 acres. I do not think the affairs of the cemetery were properly conducted when I was a trustee, I thought the same when a trustee, I

think so now, I think so from the general methods in vogue. I think that money could have been saved, and more judiciously expended than it was. I often conversed in this vein to my associates. We all seemed to be in harmony and accord in most of our views. Cannot remember that I recorded my vote as against measures I did not favor. My best recollection is that I sometimes voted for and sometimes against measures. When certain walks were laid out I thought impolitic, and persons, I thought, superfluous were hired, or other outlays were made I disapproved, I said so. Other persons thought so at times, and said so. Mr. Driggs at times disapproved things and said so. Have no knowledge of the present condition of the cemetery.

In answer to Mr. Stearns, the witness, Mr. Jarvis, said that to his best recollection Mr. Noyes G. Palmer was superintendent all the time he, witness, was a trustee.

In answer to Mr. Palmer, witness said he did not think that Palmer, the superintendent, was responsible altogether for the mismanagement, in the cemetery, thought there was too many persons giving orders.

Answering chairman the witness said he knew nothing of the settlement of the Starkweather suit. Apparently when I entered the board the institution was in a sound condition. I resigned because I was tired of continuing in when I found there was no chance of the institution being placed on solid grounds. I was tired of certain parties having sole control. I desired to see the cemetery relieved of its debts and to see a system adopted to effect this result. I suggested such a system by a general cutting off of expenses and economizing in every way. Generally the other parties would concur with me, but nothing was done; there was no improvement. By the other parties I mean Messrs. Miles, Driggs and Pease. It was too much the habit of certain trustees to order things done, which ought to have been done only officially by order of the full board. For instance, a single trustee would sell a large number of plots and nothing known of it until after the sale was made. On one occasion photographing was done, and nothing known of it until done. The board finally assented to these matters in many instances as a matter of courtesy. Previous to my real resignation in 1874, I had not acted for I think two years as trustee. The only lawsuit I remember was brought by Mr. Palmer's son. I know there was a "pool" formed as I understood for the sale of lots owned by individual trustees to outside purchasers who desired to purchase plots. I know this, because at the time the "pool" was formed I was informed of it, and was from time to time called upon to furnish certain certificates, always or generally by the secretary of the company, and on those occasions I received certain statements by which I found what I was entitled to receive under the "pooling" arrangement. When my plots were sold, either Mr. Edwards or Mr. Driggs paid me my proportion of the "pool." The proceeds of that pool that I personally realized was about \$1,500, and the number of lots approximately thirty (30). I got my proceeds of the pool generally from Mr. Edwards, the secretary of the company. This I always supposed was a perfectly legitimate transaction, or I should not have been concerned in it. I never sold any of my plots save through the "pool" arrangement.

EXHIBIT A.

December 7, 1880.

These articles of agreement made this twenty-second day of July, A. D. one thousand eight hundred and sixty-four, by and between Cypress Hills Cemetery, an "incorporated institution" of the State of New York, party of the first part, and the persons whose names are hereunto by themselves subscribed, parties of the second part, witnesseth :

That whereas the said cemetery in the purchase of lands for its chartered purposes, in surveying the same, in the erection of fences and buildings thereon and in the making of avenues and paths therein, incurred large expenses, which the ordinary receipts of the cemetery, including the proceeds from sales of single lots to proprietors for immediate burials therein, were inadequate to meet and pay; and whereas, said cemetery sold lots in parcels to individuals, societies and churches to obtain moneys to meet its liabilities and pay its indebtedness; and whereas, the proprietors of lots, so sold in parcels, have few opportunities for selling the same again, and in quest of opportunities compete with and undersell the cemetery, thereby injuring their own property while depriving the cemetery of revenues necessary for its proper improvement and preservation :

Therefore, the parties to these articles of agreement, for and in consideration of promises, services or sums of moneys specified, mutually agree as follows, viz. :

Said cemetery, party of the first part, for and in consideration of the sum of thirty dollars per lot, agrees to sell the lots belonging to the parties of the second part, in the same manner and for the same prices the lots belonging to the cemetery in the same localities are sold; that is, show purchasers said lots with lots belonging to the cemetery, and leave the selections to the tastes and judgments of purchasers; and said cemetery further agrees to invest twenty dollars, of the above-mentioned thirty dollars, as a "trust fund" and to expend the interest accruing from said fund for the future care of the particular lots from the sale of which said fund shall be derived. And the said cemetery further agrees to sell no lots belonging to the parties to these articles of agreement, at retail, for less than eighty dollars per lot, without the consent of the proprietors of more than one-half of the lots owned by the parties to said articles of agreement, and the consent in writing of the owner of each lot sold; and not to sell lots in parcels, except to churches, societies, etc., for actual use and occupation, without the consent of the proprietors of more than one-half of the lots aforesaid and the owner of the lots so sold by wholesale. It is further agreed that the said cemetery may sell the lots belonging to the parties to these articles of agreements, in parcels to churches, societies, etc., for actual use and occupation (but not for reselling) at prices that may be agreed upon between the officers of said cemetery, the purchasers and the party or parties owning the particular lots to be sold; but no discount on such sales shall affect the thirty dollars per lot to be paid to the cemetery as before mentioned. And the said cemetery as agent, factor or attorney, agrees to account for and pay over, in such manner as shall hereafter be determined by a

majority of the parties of the second part, the balance (after deducting the thirty dollars aforesaid) of the proceeds of the sales, made by its officers, of the said lots of the said parties of the second part.

The parties of the second part, for and in consideration of the services and promises hereinbefore mentioned of said cemetery, party of the first part, agree for themselves, their heirs, executors, administrators and assigns, and by these presents constitute and appoint said cemetery the attorney for said parties of the second part to sell and convey any and all of the lots belonging to said parties of the second part (except certain lots used and held by each for their own family burial place) according to the provisions hereinbefore mentioned. And the said parties of the second part further agree to use all their influences to sell and help sell all the lots belonging to the parties to this agreement, and each agrees for himself, his heirs, executors, administrators and assigns, that thirty dollars of the proceeds from the sale of each lot, by whomsoever sold, shall be paid into the treasury of the said cemetery, before a deed for the same shall be issued, to be appropriated as hereinbefore mentioned.

It is further agreed by the parties to this agreement, that these articles shall be binding upon all of the said parties, and continue in force for the period of five years from and after the first day of May, 1865, and shall then expire by limitation.

Signed by

{ Revenue }
{ Stamp. }

EDMUND DRIGGS, *President, C. H. C.*,
WM. MILES, *Treasurer*,
WM. J. PEASE,
JOSEPH G. MERRITT,
P. T. BARNUM,
EDMUND DRIGGS,
WILLIAM MILES,
HENRY Y. LAW,
N. G. PALMER,
A. S. JARVIS,
A. M. WOOD,
JOHN I. VAN ALST.

H. F. CADLEY, copy of original
compared April 15, 1871.

Copy — compared with original
by J. WYCKOFF LYON,
C. E. L. HENRICHs, JR.

(Witness shown Exhibit A.)

To the best of my recollection, this copy is that of the pooling agreement; my portion of the agreement was carried out; I own yet about 1,100 plots; I have given away 113 plots, principally, to charitable institutions.

Mr. Wm. Miles, recalled :

I never sold Mr. Jarvis 450 plots, or a proportion of such an amount, as stated by Mr. Jarvis, nor was I at all interested in any such number of plots sold to Mr. Jarvis; in relation to the 64 acres, I had no hand in the original purchase, and only like Mr. Jarvis paid my proportion for one-fourth of the land, which, in my judgment, was

\$6,000; in relation to the "pool," that was got up to prevent any trustee, as an individual, selling his plots in competition with the plots owned by the cemetery, and the sales of the "pool" were made by Mr. Palmer, the superintendent, who was sole person authorized to sell plots under the pool arrangement.

Mr. Edmund Driggs, recalled :

I wish to say that the statement of Mr. Miles as to the object of getting up the "pool" is correct to my knowledge. It was to prevent one of the trustees from selling his plots through the officers of the company.

Adjourned until Friday December 10, 3 P. M.

OFFICE OF THE CYPRESS HILLS ASSOCIATION, }
December 10, 1880, 3 P. M. }

PRESENT— Messrs. Wren, Russell, Clowes.

Mr. Noyes G. Palmer, recalled:

Exhibit A, taken by committee for consideration.

EXHIBIT A.

December 10, 1880.

To the Honorable Committee:

When I went to Cypress Hills Cemetery as surveyor, in 1849, I knew it was organized under the act of the legislature of the State of New York, passed April 27, 1847; I supposed it was organized in good faith and was to be a lot-owners' cemetery; I have so claimed and stated, as superintendent, to thousands of purchasers of lots during twenty-six years of my official relations with it; ninety-nine, probably, out of one hundred purchasers did not know or care who the trustees were, so long as the local management was popular and reasonable progress made with improvements; the cemetery has not needed for burial purposes any more land than it bought of Van Wyck; it was an error of judgment to open more than forty acres at one time for buyers to select lots in; the sales and improvements should have been confined to certain limits, and when ten, twenty or forty acres were sold out in lots, the cemetery would have had a revenue proportioned to the area sold and expected to be cared for; if no sales were made in the balance of lands owned by the cemetery, there would be no lot-owners there expecting thirty or forty acres of land to be kept in the condition of a public park, with only one or two lots sold therein to get a revenue from; six persons had loaned the cemetery between \$900 and \$1,200 each before Messrs. Miles and Driggs became connected with it; in my judgment, properly managed the cemetery need not have required any further loans; about \$3,000 of these advances were used to purchase land of Snedeker which the

cemetery was not compelled to have and could have got along without to this day; the mortgage on the Van Wyck farm could have remained; the deed from Van Wyck was not recorded and the trustees in 1849 were not anxious to have a search made; the Independent Order of Odd Fellows were debating whether to buy 800 lots in Cypress Hills Cemetery or in New York Bay Cemetery, and attorneys were contemplating a search; it was to prepare for this that Cromwell was induced to advance the money to pay off this mortgage; this act placed the institution in circumstances that injured it more than the sale of 800 lots benefited it, and there was a fair probability that the sale would have been made without the exchange of a lenient creditor for a pressing one; independent of that mortgage and the purchase of lands not needed, the cemetery could have paid back all moneys borrowed in less than two years, and could have paid the mortgage before 1852 out of the one-half proceeds of sales as required by law, for the sales up to the time of the report in that year had amounted to over \$48,000; this was not a first rural cemetery experiment; the public had been fully educated up to the necessity of such cemeteries, and this was organized on the flood-tide; the contract with Van Wyck gave him about 486 lots for his equity in the 125 acres; there was no law to justify such a contract with a trustee, in my opinion, but it was not thought an unreasonable bargain then; he died a few months after the organization of the cemetery and his widow engaged R. G. Nellis to manage her interests in the cemetery. [Nellis told me she gave him \$10,000 of the \$180,000 bonds for his success in that management.]

Nellis had made a contract with the cemetery to be general agent for the sale of lots for five years, at a commission of fifteen per cent for the first year, fourteen for the second, thirteen for the third, and twelve for the fourth and fifth years. His agreement with Mrs. Van Wyck conflicted with his duties under the cemetery contract. Nearly the first sales were Van Wyck lots, and the competition between the cemetery and private holders of lots for resale began here; but such were the relations of all the parties (interested in the bonds before mentioned) to each other, that whatever self-interest and assurance induced one to do, the rest made no effectual protest. I first heard of the \$180,000 bonds about 1850. In the spring of 1852, I think, Woodhull, then president of the cemetery, sent for me. I met him in the cemetery office in New York (I think Mr. Driggs was there too); he (Woodhull) said to me: "Mr. Palmer some individuals think they have found a mare's nest with a mayor in it; a committee of an Odd Fellows Lodge has requested us to answer certain questions; I want you, as you know more about them than any other person, to go over the books and figure up the entire receipts and expenditures of the cemetery to date, to assist us in answering this committee;" I did the figuring as requested; a short time afterward John C. Graham and James Murphy (both lot-owners) called upon me and stated that they were the committee that had waited upon the trustees; that they had been appointed such committee by Pilgrim Lodge I. O. of O. F.; that if the report they had received was true they were fully satisfied; they asked me if it was true; I also was an Odd Fellow; I told them the account of receipts and expenditures was made by myself and that

they could depend on the figures being correct; they said their whole anxiety was about the bonds; we had some conversation about them.

The extract from the pamphlet of 1852, offered in evidence by Mr. Tregaski, was copied from the report made to the committee of Pilgrim Lodge.

Some time after this Nellis, general agent of the cemetery, told me that he and Mr. Driggs had bought Kennedy's \$2,500 bond for \$1,600; that the cemetery had agreed before they bought it to give them 100 lots anywhere in the cemetery for it, and that they might have all the facilities of the cemetery for selling said lots until their advances were repaid; and Nellis, in behalf of himself and Driggs, agreed to give me five per cent of such sales if I would help them; I did help them and received the percentage agreed upon; I think this was in the year 1854, and that the advances were repaid in about one year.

Some time after this Nellis (I think then a trustee) told me the board was paying or had paid off the other bonds with certificates for lots at \$60 each, taking 8,000 lots to pay \$480,000 bonds; that he claimed twelve per cent commission on the sale of \$480,000 worth of lots; that if they did not settle with him he would expose the whole bond swindle; that the parties receiving the 8,000 lots had allowed by agreement one-third of the whole number to be sold to raise money to improve the rest; that Mr. Driggs told him that if he (Nellis) would not compete with him (Driggs) in the sale of the one-third lots, he (Driggs) would divide profits with him; that Driggs had sold nearly all of the one-third lots at from \$15 to \$22 per lot, reported \$6 per lot to the cemetery and pocketed the difference; that he had not divided a cent; that he (Driggs) had retained out of the \$6 per lot proceeds, enough to repay himself and others what they had advanced for bonds, claiming that they had been swindled into paying something for bonds which the other trustees obtained for nothing; that Driggs' account with the one-third lots had not been regularly reported and entered in the cash book (I think the blank pages were left for this account); that he had dissolved partnership with Driggs in the few unsold Kennedy bond lots; that the other trustees were so fearful that their bond transactions would be exposed that they submitted to Driggs' threats, but that he (Nellis) had voted no; Nellis also told me about this time that Mr. Driggs said he was sorry that Palmer had told Pease the history of the bonds so soon and frightened him, for he (Driggs) had intended selling him (Pease) a larger interest; William Miles told me that the one-third lots were sold so rapidly that his one-third were gone before he had a chance to redeem them.

The Rev. H. L. Husted told me that he bought between five hundred and six hundred lots of Mr. Driggs at \$15 per lot; that he thought Brother Driggs had advised him into a poor investment. Some twenty or twenty-five years after the sale to Mr. Husted, his widow and son called upon the cemetery for settlement. One of the lots had been given away to the reverend gentleman, all the rest were just as he bought them. They were a part of the one-third lots. I was so familiar with the history of the cemetery and its books, that I knew all Mr. Husted told me agreed with the records of the cemetery, and I had no reason to disbelieve him. The cemetery did make a sort of a settlement with Mrs. Husted and assumed the whole burden of satisfying Mr.

Husted's heirs, though at the time of sale to Husted it does not appear that the cemetery received over two-fifths of the consideration paid by him, while it does appear that Mr. Driggs received individually three-fifths. I was present at one interview between Mrs. Husted, her son, some of the trustees of the cemetery and Mr. Stearns; at which interview, the price Mr. Husted had paid for the lots and the length of time he had lost interest on the investment were fully stated and taken into consideration as among the reasons for the settlement agreed upon. Mr. Driggs was one of the trustees present.

Mr. Daniel Sandford, of Conn., told me that he bought two hundred lots of Mr. Driggs at \$15 per lot. They were part of the one-third lots. After Sandford had owned them about twenty years, Mr. Driggs persuaded and permitted the cemetery to assume the whole responsibility of repurchasing them, though he, Driggs, appears to have received individually three-fifths of the money paid by Sandford for them. I was present with Mr. Driggs and other trustees when the price Mr. Sandford had paid for the 200 lots and the length of time he had lost interest on the investment were fully stated and taken into consideration to justify the settlement made with him.

Mr. James Murphy, of the firm of Pease & Murphy, told me that he bought 100 lots of Mr. Driggs at \$22 per lot. I told Mr. Driggs what Murphy said, and that Murphy suspected the lots belonged to his partner, Pease, and that Driggs had only been the agent of Pease. Mr. Driggs admitted all about the sale to Murphy, and according to my best recollection left the impression on my mind that Murphy's suspicions about Pease's share in the sales were correct. I think I so informed Mr. Murphy; at any rate, I recollect distinctly that Murphy requested me to make the inquiry and report to him. I have been informed and believe that Murphy had a suit at law with Pease which involved these lots; that Murphy lost the suit as it was proved that Pease had no interest in them, part of the one-third lots.

Mr. H. G. Law told me that he bought 200 lots of Mr. Driggs, and that the lots cost him \$17.50 per lot. They were part of the one-third lots. Law was the first of the trustees permitted to exchange unsaleable for saleable lots. I recollect hearing Mr. Driggs speak in favor of permitting the exchange. He said in substance, that Law had paid a large price in comparison with some of the other trustees for his lots; that he had no immediate chance of selling them; and that for the attention he was giving to the cemetery he was entitled to a fair show with the other trustees.

Mr. William J. Pease also told me that he bought a large number of lots from Mr. Driggs. I have seen in the cemetery office a list of the lots drawn out of the "lottery box" that contained about 800 tickets of ten lots each. I think that list states that Pease drew about 450 lots on certificates purchased from Driggs. That list might interest the committee.

I have heard Mr. Driggs say, "it was nobody's business what he got for these one-third lots, for he sold them as a broker."

Mr. Salmon Skinner told me that the trustees at one time agreed to let him into the bond arrangement; that he had demanded a settlement and would expose them if he did not get it. He drew about 400 lots. Mr. Miles has repeatedly told me that Skinner's claim was a case of "pure blackmail." I think Mr. Skinner is in New York

city and that his testimony can be obtained. The settlement with Nellis admitted by Mr. Miles in his testimony.

After the decision of the Court of Appeals in the case of Campbell, *Exr. agt. Cypress Hills Cemetery*, I received a letter written by Cromwell in which he says: "To triumphe! we have defeated them horse, foot and dragoons." I met Mr. Driggs a few days thereafter, and found he was not as much elated as Cromwell was. Said he, "Cromwell has proved too much; he has made a two-edged sword; we have got to settle with Campbell." I understood from further conversation, and what I learned from the books of the cemetery that the "too much proof" referred to the fact that they had furnished Campbell with evidence to invalidate all the bonds and all transactions based thereon, and that that was just what he threatened. Mr. Campbell lives at Castleton, N. Y.; his testimony can be obtained.

I know that Messrs. Miles, Driggs and Pease had deeds made to themselves a few days before the trustee election in July, 1855, and they were voted upon at that election: I assisted the secretary, Mr. Dobbs, to make out the deeds. Nellis protested while we were making them out, and brought in Chauncey Shaffer as attorney for himself, and A. M. Smith of the Norfolk Street M. E. Church of New York, to protest against the lots being voted upon. Nellis claimed that the cemetery did not owe the money for which the lots were located, if the proceeds of the sales of the one-third lots at six dollars per lot were properly accounted for.

The exchange of lots is admitted. Of the lots received by the cemetery in such exchanges, not one had been sold for actual burials therein up to November, 1875. Of those taken from the cemetery in such exchanges over one-half have been sold at an average price of over \$100 per lot.

In reference to the 64 acre purchase, I heard the agreement spoken of, and its conditions stated by several of the trustees before and during the purchase of the lands. That agreement entitled the purchasers of the land to one-half of the lots that could be surveyed out of it. The 302 acres of land in Cypress Hills Cemetery have not quite averaged 70 lots to the acre. I think all parties connected with the management for the last 30 years, and at any rate I have always calculated and stated that number to be all that could be expected. That would give for one-half of the lots in 64 acres, 2,240. By a little variation from the contract and to make the record read better, they received lots at \$25 each for \$6,400 claimed to be the value of the land. They received 2,560 lots for the principal sum, and about 180 lots for interest; 500 lots more than one-half the land was expected to make and in excess of the preliminary agreement. This land was not needed by the cemetery except to enable the trustees to get 8,000 lots contiguous to each other to pay off the \$480,000 bonds. About 40 of the 64 acres were included in the section in which the 8,000 lots were located and went to pay the bonds. It took all left of the 64 acres and considerable of the land bought of Van Wyck to make 2,740 lots for the purchasers of the 64 acres.

H. G. Law, then a trustee, was promised a certain number of lots if he would buy and place in the cemetery a certain piece of land. The land did not make the number of lots after deducting waste for avenues and paths. Number of lots involved in this transaction, 76.

Sales to United States and Metropolitan Police Department. Mr. Wood's contract (assigned to Mr. Miles) entitled him to 100 lots near the west gate of the cemetery. Four of the lots had been sold I think, leaving only 96 subject to location at the time of sales above-mentioned. There were several hundred lots near the west gate to select from.

NOTE.—If the prices had been low no floating certificates would have covered the lots sold. Mr. Miles has stated how much he received from sale to United States; has said nothing about 36 lots sold to Metropolitan Police Department. What other trustees had floating certificates and took proceeds, for the secretary has stated that the cemetery borrowed money the same week to pay labor.

[This note not included in affidavit, N. G. P.]

Plank road. I was employed by Cypress Hills Cemetery; all the pay I received came from the cemetery; I was requested by cemetery trustees to lay out what has been known as the Williamsburgh and Cypress Hills plank road; I surveyed three different routes, each about four miles long; surveyed the selected route (one of the three), made maps for filing in two counties; established grades and made profile map for contractors; inspected the construction and tested the grades after completion; drew the specifications, contract and established grades and furnished profile map for a regrading some years afterward; inspected and certified to the progress made and payments due. Also, when part of the road-bed was macadamized, I was employed on it again; I think my services on that road were fully worth \$2,000, and that the road owes the cemetery that amount for such services. We kept at the cemetery for twenty-six years, books showing where every day's labor done for the cemetery was performed and to what account such labor should be charged; from that account we made out bills; I know that every few years a bill was sent to the office against the plank road; I have a copy of one year's "labor memoranda," in which over 500 days were so charged to that road; I have seen in the minutes of the board a resolution to the effect that no more work should be done by the cemetery men on this road unless paid for in cash; after the passage of that resolution, with the understanding that thereafter such work would be paid for, the cemetery men were employed on it, until, according to my best recollection, a bill amounting to about \$1,120 was made out and sent to the office of the cemetery (the secretary can inform you whether that bill has been paid); I have seen in the accounts of the cemetery within the last ten years an entry that indicated that the plank road owed the cemetery \$750 for cash advances (the secretary can also inform you whether that sum has been returned to the cemetery).

Trust fund account. The best testimony the committee can obtain in reference to this charge is to get the treasurer's book in which his account with this fund is kept, and make a copy of the same.

Attorney-General's authorized suit in the name of the people. I was one of the defendants; Mr. Stearns was the attorney and Homer A. Nelson, counsel; Mr. Stearns told me that Nelson said, after examining the papers submitted to him by Britton, that the defendants had no defense that they could hope to be successful in; the case that went to the court of appeals decides it; they are beaten before trial and the only way out is to buy out; Mr. Stearns said he differed

from Nelson in his conclusions; I urged Mr. Stearns to hold out for a trial, that we might learn the worst and thereafter govern ourselves accordingly. I had a conversation with Mr. Nelson shortly after in which he gave his views of the spirit and letter of the act under which the cemetery was incorporated, and the duties of trustees, in such a judicial manner and such glowing language, that I had no hesitation in believing he had come to the conclusions Mr. Stearns said he had.

The best proof of this charge can be obtained from the memorandum book of deeds issued. In 1874 an accountant was appointed by a judge of the supreme court of this State to examine the books and accounts of Cypress Hills Cemetery. I was specially requested, in writing, by Mr. Driggs, president of the cemetery, to attend that accountant during the examination. I did so attend and saw his memoranda of considerations mentioned in the deeds issued by the cemetery from No. 1 to No. 4,917. That memorandum, or table, separately stated the considerations apparently received by the cemetery for lots sold on account of the cemetery, and the considerations mentioned in the deeds issued on account of other parties. I copied the figures in the total footings of each account, and they read as follows :

Total consideration in deeds issued on cemetery account,	\$128,995 00
Total consideration in deeds issued on account of other parties.....	225,244 00
Total of all.....	<u>\$354,239 00</u>

Testimony in reference to pool of trustees was offered during the examination of Mr. Jarvis, December 7, 1880. There were sold for persons belonging to the pool over \$20,000 of lots in five years. The conditions of the pool were not faithfully kept, and a large number of lots continued to be sold on private account of parties belonging to the pool, and which were not included in above figures. Mr. Driggs' share of sales made during the existence of the pool amounted to thirty-nine lots sold for \$4,943. I have made a re-examination of that account within a few days to verify these figures.

Mr. Miles reported in 1865, about April 7, that the cemetery had about 2,500 unsold; repeated the figures substantially in another report about July 1, 1865, according to my best recollection; one of these reports is entered in full in the minutes.

NOYES G. PALMER.

Sworn before me, this }
December 17, 1880. }

GEORGE WREN, *Chairman.*

The following were ordered to be summoned :

1. Samuel B. Campbell, executor of the Starkweather estate, Castleton, New York.
2. Salmon Skinner, 19 and 21 Barclay street, down town dental association.

3. Algernon S. Jarvis, White Plains, Westchester county, New York.

4. Luther R. Marsh, lawyer, — Broadway.

5. George W. Church, Tenth street near Avenue C.

6. F. H. Chichester, Willoughby near Throop avenue.

7. Thomas Bonar, 173 Taylor street, New York Press Club.

8. William B. Ditmas.

9. Aaron Degraw, Jamaica, L. I.

10. C. C. Delavan, Nassau and Liberty street, New York.

11. Charles T. Cromwell, Liberty street-near Nassau, New York.

Adjourned until Friday December 17th at 2 P. M.

OFFICE OF CYPRESS HILLS CEMETERY,
BOWERY AND GRAND STREET,
NEW YORK, *December 17, 1880.* }

PRESENT—Messrs. Wren, Russell, Clowes and E. D. Benedict.

Algernon S. Jarvis recalled :

My testimony was correct stating that Mr. Miles was one of the purchasers of the 64 acres, and that he sold me a portion of it, either a quarter or an eighth as the case might be. If I should get cemetery lots I should get one-eighth, if not, one-quarter. Also that Messrs. Driggs, Miles and Pease sold me 450 lots at \$15 each. This paper shows that Miles was one of the purchasers of the 64 acres. It was stated in the agreement that I should receive about 600 lots. I got 640.

[Exhibit A withdrawn after being examined by committee.]

Then also in that agreement there is also an agreement to sell me 450 lots, the total amount being \$14,250.

[Exhibit B withdrawn after examination by committee.]

I inadvertently omitted to state a purchase from Mr. Miles of 84 lots more. I found that he gave me 84 lots in payment of a claim I had against a person to whom I advanced money through him.

[Exhibit C withdrawn.]

[Exhibit D withdrawn.]

I only bought of Mr. Driggs personally 167 lots, those I first testified to I cannot tell what they were. I have no list in which those 167 was specified. They are altogether, the 617. The lots I think were not designated, I think they were to be located, and I was to receive them. Several years after, the lots were located and drawn for according to a memorandum.

[Exhibit E withdrawn.]

Samuel B. Campbell sworn :

I reside at Castleton, Rensselaer county, New York ; I was the executor of the Starkweather estate. I do not know the terms of

settlement of the suit. Before it was settled I passed the estate over to the residuary legatees, Douglas and Lewis Campbell. I know nothing of the final settlement. About the time of the decision of the Court of Appeals I went out. I know nothing except hearsay. The claim of the Starkweather suit was based upon a \$5,000 bond, one of the cemetery bonds. I do not know what consideration was paid for the bond. I found it among the effects of Mr. Starkweather, I found no statement as to what the bond was given for, I know nothing relative to the bond, except that I found it amongst the effects and tried to realize upon it. I went to the office of the cemetery, and they made two \$2,500 bonds, one of which I turned over to Dr. Samuel A. Childs of this city, and the other was afterward sued upon. I do not know what the bond realized. The purport of the Court of Appeals amount to this; that no consideration had been given for the bond. I found three or four deeds for lots belonging to the estate among the effects of Mr. Starkweather, and turned those deeds over to the residuary legatees. That is all I know about the affairs of the cemetery.

In answer to Mr. DRIGGS :

After the bond was divided, the cemetery paid interest on the bond for several years, assuming it was a legal liability; I think I had a conversation with Mr. Driggs, who was then president of the corporation, in relation to the taking plots at \$60 each, the same basis as the others, in exchange for this bond; Driggs stating that that was the same basis on which other bonds had been taken up; Mr. Driggs claimed that Mr. Starkweather had agreed to this; I did not take those plots because I did not feel that I had power to settle the matter in that way; I do not remember that a tender of 100 lots was made to cancel this bond; I think the last receipt of interest was in 1861; interest was paid three or four years; I do not know what cemetery lots were selling at; my impression is that \$50 or \$60 had been paid for each of the plots, for which I found deeds amongst Mr. Starkweather's effects.

Francis H. Chichester sworn :

I reside No. 669 Willoughby avenue, Brooklyn; I am a lot-owner in Cypress Hills Cemetery; I have certificates for 19 lots, and one separate lot which I use for burial purposes; I obtained those lots in exchange for a farm; I had 40 lots, for which I exchanged a farm in New Jersey; it was in part payment of the farm; I received them directly from Isaac D. Guyer; I do not know whether he was the owner or acting as agent; I got the plots about 25 years ago; about the year 1855; the name of Mr. Guyer was the only name I remember seeing upon the transfer papers; the 40 lots were not located; between the time I bought the 40 plots and the time of the drawing for lots, I had sold 10 of them; I thought Mr. Guyer was the owner of the lots at the time, but afterward got the impression that Mr. C. Edwards Lester was the owner and Mr. Guyer was acting as his agent; when I bought the 40 lots, I took them at the valuation of \$50 each; I exchanged one of these plots, July 14, 1868, for a more eligible lot, and paid about \$25 in difference in cash; this plot for which I exchanged was in section

6; I frequently visited the cemetery and in this way had some knowledge of how its affairs were conducted; I thought the grounds were rather poorly kept, in comparison with other cemeteries, all through, for the past ten years; I have no other grievances than those I have already stated, except on account of the refusal to give me a deed for this script which I now hold; the roads and paths are badly kept in comparison with other cemeteries.

To Counselor WAKEMAN, witness said:

I was at the cemetery sometime in May last; I was there several times the previous summer; in 1879 I was there four or five times; I have compared the cemetery with Greenwood; I know there is a great difference in the price of lots between there and Greenwood; in Greenwood they cost the most.

To Counselor COOKE, witness said:

I got the original certificate in 1852 or 1853, I knew nothing of the hose fund. I do not know whether the cemetery was in better condition then than now. I have always thought that the roads and paths were always kept poorly. The last time I was there I thought it began to look better.

To Committee: I was about transferring 10 lots to a gentleman and he wished a deed for them. I called to have the deed made out. Mr. Runcie talked about laying it before the board, and I never got a decision one way or the other. I think Mr. Runcie said the reason was that there had been some mismanagement and they were loath to give them. Mr. Robert Pettit of Gates avenue, Brooklyn, was the gentleman. I could not swear that Runcie said exactly what I have stated.

George W. Church, sworn:

I reside No. 362 East Eighth street, New York; I own one lot No. 888, section 14; I have a grievance against the corporation; I bought this lot from a gentleman, an agent of the corporation, and this is the deed; the deed was recorded in 1872; when I bought the lot, I went to the superintendent, I believe his name was Mr. Palmer, I asked him to give me the boundary of that lot so that I could fence it in and beautify it; he said he could not do it unless he charged for it; I refused to pay; it remained so until one of my sons died in June, 1878; my son was buried in the lot; by the neglect of the superintendent my son was buried outside the boundary of my own lot; I was obliged to raise my son and place him within the lot; the marble cutter who puts up the fences found out the boundary; the superintendent stated that he had a right to have a fee but stated no sum; I did not pay the fee; the paths and roads have been better kept near my plot lately than before; they are not properly kept; the rear fences are in a very bad condition; I have not paid any thing for keeping my plot in order; I bought my plot from Mr. Munn, an undertaker; I cannot tell what I paid for the plot; I think it was less than \$100; it may have been \$70 or \$80; the consideration which appears in the deed was \$150; I have no reason to give why the consideration was marked \$150; I did not pay \$100 for it; I never asked the reason why the consideration was put in as \$150.

To Counselor COOKE, witness said :

I met a man named McWay about two years ago ; I had a conversation with him about putting up a fence ; the ground was not improved at all ; it was poor ; I said I would like to have a path in front and rear ; he said, "I will not do it ;" I said, "you do it and I will pay ;" he said, "you did not buy this lot from the trustees ;" I said, "I bought it from one of the representatives, that I had an interest there and wanted to beautify the place ;" I said, "I was willing to pay reasonably for it ;" he said the lot did not belong to them and he would have nothing to do with it ; I asked him if my lot was in the cemetery and that I was willing to do what was right in the case ; I came to Mr Edwards and told him.

William Miles, recalled :

There is a difference between Mr. Jarvis and myself ; a question of veracity ; he says I sold to him a portion of 450 lots ; I never did ; also that I sold a portion of sixty-four acres of land to him.

(Minutes of board meetings, January 18, 1854, January 20, 1854, April 22, 1856, May 12, 1856, May 19, 1856, referred to and read by witness.)

Luther R. Marsh, sworn :

I reside at 166 Madison avenue, New York city ; I was connected with the Cypress Hills Cemetery Association and its affairs, commencing about thirty-three years ago, about 1847, I think ; I was vice-president and trustee at the organization of the cemetery ; I remember that bonds to a large amount were issued to Mr. Van Wyck for the lands of the cemetery, about \$500,000 ; I have no memoranda to show how much money I advanced to the corporation on its organization ; the cemetery had none and we had to carry it ; we had to advance all the money ; each man paid his proportion, and I paid mine ; I think I was never repaid by the cemetery ; I think I advanced about \$2,000 ; I do not remember that I got lots for my money ; my impression now is that I got my pay out of the lots that I received after the surrender of the bonds that were burned ; I think I never held any thing but certificates for lots ; I have not the slightest memoranda to refresh my memory ; ~~I think I had certificates for a large number of lots ; think I rendered those certificates, and I think Mr. Miles bought some of them ; I think my certificates all went into the hands of Colonel Nellis, who was then agent for the cemetery ; I do not think I sold one of them myself ; I did not make any money out of the cemetery ; I suppose I must have received more money than I advanced, but taking my labor and time into consideration, I do not think I made any thing ; we rendered work it was not the duty of a trustee or vice-president to render ; it was for the purpose of carrying on the enterprise successfully ; we labored in a great variety of ways ; I do not remember that I advanced any more money than the \$2,000 I have spoken of ; do not remember what I received for the certificates I sold, cannot say about what it was ; when I was in the cemetery, it was conducted with great energy, ingenuity and labor ; I do not see that any man could have conducted it any better with the resources they~~

had ; we had to get up the grounds in condition, for they were very poor and uncultivated ; we found dens of rattle snakes and cannon balls there ; it was a beautiful position, looking out on the ocean, and finely formed for cemetery purposes. We had to lay it out by the landscape gardening process, make maps of it, and get up our pamphlets ; we had to endeavor to arrest public attention and write the spot up ; there was great opposition to it ; I wrote a great many articles for the press.

[Exhibit F withdrawn.]

It was a great difficulty to secure a favor from the press ; it required a great deal of negotiation, care and labor, but finally we succeeded until most of the papers, the *Post*, *Tribune*, *Star* and *Herald* admitted us, and we wrote articles which were published ; we gave a great deal of attention to the subject of conveyance to and from the spot.

The omnibus roads were all that existed ; we entered into negotiations with the Long Island Railroad Company to unite a track with theirs, and run it up to the gate of the cemetery ; that required frequent meetings and urgings, and finally it was brought about ; we bought the iron, ties, and got permission to lay the track from the Long Island railroad up to the cemetery, and trains which left Brooklyn carried people right up to the cemetery gates ; that did not continue a great while, as we were not able to furnish enough passengers to make it pay ; then the project of plank roads came up ; we had the ground surveyed and the plank road built ; this was not done by the cemetery, but through its work ; another thing we tried to do was to get up a furore on the subject of monuments, so we started a programme of a monument to General Woodhull ; it was found the monument would not go up without money, and then we tried for the Worth monument ; Judge Edmunds, a relative of General Worth, stepped in and secured the monument for Madison Avenue Square ; the most distinct thing in my mind of outside labor was the subject of city burials ; it was the practice then to bury the bulk of the people who died within the city limits ; they were mainly buried in cemeteries belonging to the churches, and these grounds were raised up from five to ten feet, by human interments, above the sidewalk level ; it became a very dangerous thing and a pest to the community ; we found the opposition to changing that system was intense ; the sextons, undertakers and others were interested in burials in the city ; we sent agents to Albany to endeavor to get this law passed which provided for a change ; we visited the common councils in Williamsburgh, Brooklyn and here ; our proposition was received more favorably in Williamsburgh and Brooklyn than here ; committees were appointed and we secured the passage of the ordinance in New York that no interments should be made, I think, below Fortieth street ; I felt that while we were benefiting the cemetery, we were benefiting the cities of New York and Brooklyn ; this illustrates the outside labors of the trustees ; they were for the benefit of the cemetery ; I do not hold any plots and have not for twenty years or more ; the consideration paid for the settlement of the Starkweather suit was \$10,000 to one of the Campbells ; I was not connected with the cemetery at that time ; I advised with the corporation, I was not counsel ; I advised the settlement of the suit because Colonel Starkweather had

bought one of these bonds, and was an old intimate friend of mine as were his children ; I felt a desire they should be paid ; I also felt a desire that that bond, which I think was the last of the issue, all the rest having been burned, should be destroyed ; for these reasons I advised the settlement ; I think I went to the office of the corporation on my own motion ; it was arranged the cemetery should pay the bonds with the interest which remained unpaid ; the interest had been paid for some time ; it was arranged that they should pay the face of the bond with interest, and the rest of us should go in and pay the costs ; neither the trustees or the Campbells paid me any thing ; I was \$1,000 out of pocket by it ; the trustees were influenced by my advice ; I do not know who Mr. Starkweather got the bond from ; every man in the cemetery did the best he could, and put in the best work he could ; we did it to get the press, the pulpit and the people ; it was fairly and well conducted ; I do not know any thing of the present condition of the cemetery ; I have not been there for twenty or twenty-five years.

To the Committee witness said :

I think I advised the cemetery to settle the Starkweather suit, after the decision of the Court of Appeals. I believe that bond was declared void by the Court of Appeals. I do not remember that the trustees were threatened by Mr. Campbell, executor of the Starkweather estate, if they did not settle. I do not think I ever supposed the bond was illegal. At the time of the settlement I had a conference with Judge Hilton who represented the Starkweather estate. I do not remember the basis of the claim Judge Hilton made in relation to the matter of the continuance of the claim. I know nothing of the present status of the cemetery. I do not remember what Judge Hilton's claim was. I think Judge Hilton said something about the heirs having a legal claim in case of another suit. I think Judge Hilton threatened to bring another suit in case the claim was not settled. I think I paid Judge Hilton the money. My recollection is that he fixed \$10,000 as the proper amount for the settlement. I think he was firm in regard to the amount that was to be paid.

To Counselor WAKEMAN witness said :

The settlement was upon the basis that the Starkweather estate had paid a money consideration for the bond. I regarded that the estate had an equitable claim upon the cemetery for the money that had been advanced upon the bond. I cannot recall what reason I gave the trustees to settle. One reason was that it was the only one of the bonds remaining, and that I would like to have that bond taken up to avoid further litigation. I impressed the settlement upon the trustees. Every thing about it was very fully discussed, including the effect of litigation on the cemetery affairs. I think Judge Hilton said, he represented A. T. Stewart, and Stewart had bought property not far from the cemetery, and that it was very important not to arouse Mr. Stewart, who would arouse all Long Island against the cemetery, and that he could destroy it by his influence, and that it was the better thing to pay it, than to have a controversy arise between Mr. Stewart

and the cemetery. I think that was a very vital thing of interest to the cemetery. That was the first time before to-day that I was ever in this office. In my discussion with the trustees I think they were all here. I think I came by appointment.

To the Committee witness said :

I came for that purpose. Judge Hilton subjected to me figures for the settlement of the claim. I cannot give you any idea what they were. It resulted in the settlement. His position was such that he drew large counsel fees.

To Counselor WAKEMAN witness said :

Of the \$10,000 I think \$5,000 was paid by the cemetery. The cemetery paid the bond and interest and we outsiders paid the costs. I do not know whether Judge Hilton was counsel for the Starkweather estate, nor whether any part of that amount was to pay for his services. I think it was decidedly wise for the cemetery to make the settlement, in every view of the case. I think I participated in the agreement for the burning of these bonds. I do not remember the basis but afterward we got certificates on a scale down arrangement, and a pretty large price for the certificates.

Then those were surrendered, all mine were surrendered, to Colonel Nellis, the scaling down arrangement with the bondholders was done with my knowledge; I think the action of the cemetery in making the surrender was wise and prudent; I am not aware of any thing done by the trustees that was unwise, except the large issue of bonds in the first instance; as we looked at it then the bonds only represented the land of the cemetery, and it did not matter if they stood 48 or 48,000; if the labor put in raised it up, it was all right; I did not like it afterward, and made all efforts to have the bonds turned in and burned up; I was not acquainted with the value of lots in the locality of the cemetery at that time; the project was broached by Mayor Woodhull, and Abraham Van Wyck and I took their direction about it; I do not think the 125 acres were worth more than \$20,000; I have always looked back with satisfaction upon the cemetery enterprise, and my part with it, except the instance I refer to about the bonds, and have considered that the benefits we rendered to the community were very great, and were accomplished by very great labor; we created the property out of nothing; I have a general idea that that property is worth over \$1,000,000; this we made out of nothing; there is another consideration of some importance and that is, that that corporation differs from any other in regard to stock and motive power; there is no provision for the issue of stock, or any funds to be supplied; you form an organization, and you cannot start; you cannot borrow money, except on your personal security; nothing could be done, except by the labor of the men who entered into it; we thought we were benefiting the public at large; it was said that a man in middling circumstances could not afford to die; Mr. Van Wyck thought of getting a special charter, and he and the mayor and others started it, and so it went ahead; we furnished a place, and it has been carried on, a resting place for over 100,000 people; also, growing out of this, other cemeteries

were stimulated ; then we increased by our efforts the value of the taxable property in Queens county to a great extent, or the cemetery and trustees increased the value of taxable property over half a million of dollars ; we accomplished a greater purpose in saving the health of this city, by the prohibition of urban interments ; I always took a pride in looking back upon that ; we took great pains to gather foreign reports, and argued the subject, and well convinced them that no single thing had been alone in New York so important to its health as that ; this without any compensation to the trustees, except the issue of bonds ; I have never heard of any complaint against the cemetery, except that of Mr. Palmer and his son.

To the Committee witness said :

During my connection with the cemetery, I never heard any complaint against Messrs. Driggs and Miles' management by any one ; I thought if they did not go in, that we could not have carried it on without their efforts ; I think it would have collapsed.

(The committee announced the admission of Exhibit A of December 10th.)

Noyes G. Palmer recalled :

The pool arrangement was only among large lot-owners ; I have an account which I kept, and five reports ; the reports were made to President Miles or Treasurer Driggs of the pool ; I have a copy of the reports which I gave ; these reports were made up partly from the cemetery books ; the first, for six months ending December 31, 1865, shows a total of \$3,873.75 ; the second, ending June 30, 1866, \$2,405 ; the third, for the year ending June 30, 1867, \$5,045 ; the fourth ending December 31, 1868, total, \$4,085 ; the fifth, December 31, 1869 ; to my knowledge they declared a dividend on about 30 lots, total, \$4,085 ; the settlement was made on the basis of the former report, and the whole account closed up, to my best recollection, May 1, 1870 ; I do not think that the pool arrangement was a righteous and proper one to make, because I do not think trustees or employees should be engaged in making money out of their official positions ; it deprived the cemetery of the revenues it would have got ; I do not know that the cemetery would have got on as well without the pooling arrangement as with it, with the great amount of private competition which was going on before the formation of the cemetery pool ; I did know that the trustees had put their hands in their pockets to tide the cemetery over its financial difficulties, but believe that to be solely the result of the attempt to make money out of the first bonds issued ; I understood that the pooling arrangement was made so as to have no jarring ; my idea in signing the contract was that it would be a great thing for the individuals, but it operated unequally ; a few got the overplus ; there was no help for that ; I do not think there was any legal wrong in the thing ; I was superintendent at this time ; I considered there was a legal difference if not a moral one, between myself and the other in this arrangement ; I thought they were worse than I was although I shared in it.

Adjourned until December 24, 2 P. M.

OFFICE OF THE CYPRESS HILLS CEMETERY,
BOWERY AND GRAND STREET,
December 24th, 2 P. M. }

PRESENT—Messrs. Wren, Russell and E. D. Benedict.

Noyes G. Palmer recalled:

Cross-examined by Counselor WAKEMAN:

I am a lot-owner about thirty years in my own right; I have not a deed for a part of a lot; George W. Palmer has one lot; do not know whether N. Fink Palmer is a lot-owner now; he has been; N. Fink Palmer verified the complaint in the suit brought by the Attorney-General; most of the charges made in this case by George W. Palmer were derived from me; George W. Palmer is my brother; Messrs. Husted, Low, Pease, Murphy, the four persons named in Exhibit A, December 10th, as furnishing me information, are all dead; Colonel Nellis also is dead; I first became connected with cemetery about July 1, 1849; I went into service as surveyor; I was always surveyor, and in December, 1850, became superintendent and was elected trustee —, 1873; had previously been elected trustee for an unexpired short term; after resigning as trustee I remained about three months as superintendent and surveyor; then I ceased all connection with cemetery; this was in November about 15th, 1875; my salary at the time I was removed was \$3,000 per year; this was fixed by resolution of board about August, 1873; this resolution had a retroactive effect, going back to 1864; I waited until the expiration of the fiscal year, about July, 1876, before bringing suit; I brought three suits against the corporation, Nos. 1, 2 and 3; in the first or salary suit, I claimed \$2,500 as balance due me; in the second or lot suit, I claimed the balance of 400 lots that I had not received deeds for; I claimed about 350 lots.

Those 400 lots I had purchased in 1864, as agent for my wife; in the third suit I claimed \$300,000 damages on breach of contract; all three of these suits are still pending and being prosecuted; Counselor Cooke, who appears for my brother in these proceedings, is my counsel in the three suits; the attorney of record in these suits is Mr. E. D. Benedict. (Witness shown a paper and identified his signature on paper.) N. Fink Palmer is my son.

[Exhibit A, copy of original, offered by Counselor Wakeman and filed.]

EXHIBIT A.

December 24, 1880.

(Copy.)

The People of the State of New York
agst.
The Cypress Hills Cemetery and others. }

KINGS COUNTY, ss.:

Noyes G. Palmer, being duly sworn, says he is defendant in this action, and is general superintendent of the Cypress Hills Cemetery

grounds; that he has by request prepared the annexed statement of facts with respect to the several allegations of the complaint; that whatever is herein stated as facts is true; that deponent has been manager and superintendent of said grounds for twenty years last past.

This summons and complaint is based upon the affidavit of N. F. Palmer, who has sworn for years most of the facts upon which this lengthy document is founded. The affiant to the complaint has been in the employ of the cemetery, was discharged and has for more than two years importuned the officers of the cemetery for another trial in some position; and for more than a year has threatened them in various ways, if they did not employ him again.

The present officers of the cemetery, defendants in this action, do not deny that they found the cemetery incumbered with a large bonded indebtedness; that the trustees who were responsible for that bonded debt are dead and were out of office before they came into its management. The Evergreens Cemetery was bonded to a larger amount than Cypress Hills; the Evergreens went into the courts with their difficulties; its unsold property now belongs, we understand, to private parties or bondholders, and lawyers are clamoring for a hundred thousand dollars counsel fees. The present officers of Cypress Hills Cemetery had foresight enough to suspect and fear such a result if they repudiated the acts of their predecessors, as they, when first elected, contemplated doing. The question was freely discussed at the time, A. D. 1851. Repudiation would have brought discredit, lawsuits and expenses to an indefinite amount. Therefore, in good faith, they adopted compromise measures. It may have been an error of judgment, but they think the experience of the Evergreens Cemetery proves that they acted judiciously, nearly all the bondholders agreed to take lots (at \$60 each) in payment of their bonds, and give up all claims for interest, which already amounted to \$100,000. The cemetery procured a special act of the legislature of the State of New York, allowing said cemetery to add 170 acres in Queens county to the ground it was entitled by general law to Kings and Queens counties. The 8,000 lots, more or less, which were appropriated to pay off the bonded debt were nearly all located on lands for which the cemetery paid about \$110 per acre; each acre contains about 80 cemetery lots after deducting paths and avenues; therefore, 100 acres, costing \$11,000, paid a bonded debt of \$480,000 with \$108,000 accumulated interest. The 8,000 lots are contiguous in an unimproved part of the cemetery. The holders are willing to give the cemetery one-half the proceeds of sales for selling them; some have become tired of waiting, and will resell to the cemetery for less than farming lands are held by owners in the vicinity, and some have so sold to us. A candid review of this matter, as far as the defendants in this action are concerned, will justify their intentions and acts.

Sec. 1. Admitted.

Sec. 2. Admitted.

Sec. 3. Organization and purchase from Van Wyck admitted; the opinion of affiant to the complaint, as to history and deed and motives for not recording, denied.

Sec. 4. Partly correct; but all before we had any connection with the cemetery legislation.

Sec. 5. Same answer as to section 4.

Sec. 6. Opinions of affiant to complaint.

Sec. 7. Here the defendants become connected with the complaint; we did not effect an exchange as narrated in this affidavit. The form of certificate is not correct. The certificates to the bondholders limited them to a certain locality, and the choice of lots in that locality to an equitable selection. One-third of the 8,000 lots were to be and were returned to the cemetery as part of the compromise settlement with the bondholders.

Sec. 8. The defendants Driggs, Miles and Pease before the exchange of lots for bonds as mentioned in section 7, did pay into the treasury of the cemetery forty-seven hundred and fifty dollars each, before they were elected trustees, for which they were to receive lots as the cemetery had nothing else to give them. They never had any of the bonds and when they heard of them, used every exertion to have them canceled as hereinbefore stated. The conclusion that these settlements were frauds is not correct. The settlements were not "in the personal interests of the defendants." They would have preferred to have their money returned to them, but as the treasurer had paid it away, they had to take lots or sue the cemetery for a judgment which would have been little better than the bond which they had refused. Of the whole 8,000 lots so set apart for the payment of those bonds less than 120 have been resold for actual burials in a little over twenty years; and nearly all these have paid into the treasury of the cemetery at the time of such actual sales more than the retail prices of such lots at the time they were transferred to the bondholders. And deponent believes all the defendants after about twenty-three years' experience in cemetery investments and after devoting more or less valuable time to the interests committed to their charge would not undertake the work over again if guaranteed their money with seven per cent per annum and a thousand dollars a year for their time. After devoting time worth thousands per year to them, all the moneys they have received for lots sold on their account would not pay them two per cent per annum for their investments.

Sec. 9. Almost wholly false, but as it is only preliminary to specific charges we will answer them as they occur.

Sec. 10. Speculations denied. The assertions that defendants caused the cemetery to sell lots at low prices and by their "mismanagement made certain acts necessary" are gratuitous opinions, of an inexperienced boy indorsed by enterprising counsel to get up a case. As the causes are not specified, or the mismanagement explained, we cannot guess what the affiant to the complaint means. The 2,600 lots more or less were thrown upon the market by an agreement with the bondholders to be sold for the benefit of the cemetery. The real number was one-third of the 8,000 taken in payment of the bonds, at whatever rate they were selling; each and every holder of any of these certificates had the privilege of keeping the one-third promised to the cemetery by paying into the treasury the par value of the same in money. It is untrue that the defendants held any thing like a controlling share of these certificates. There was a combination to keep prices down but the defendants tried to get as high prices as possible. It was not a very low price either. As to the \$6 plots they repurchased some of the same lots twenty years afterward for the cemetery for \$10 per lot, some at \$11 and about 500 at one time for \$12½. No lots have

been sold to individuals in payment of loans below the wholesale prices to societies and churches at the time. The charge in this section of the complaint concerning the 2,500 lots undoubtedly refers to the purchase of 64 acres near the north gate. That purchase was made to get a front on Cooper and Myrtle avenue. By agreement with the board of trustees individuals bought the land for about \$25,000 and had it conveyed to the cemetery, the cemetery got 2,500 lots or one-half the land for nothing except the giving permission to the parties who advanced the whole purchase-money to sell one-half for their own benefit under the charter of the cemetery. Even this investment has turned out unprofitable. The individuals have sold exactly \$2,560 worth of these lots in just twenty years, about one-half of one per cent per annum. The exchange of unimproved for improved lots is very unfairly stated. The truth is this, the cemetery wanted to improve a certain section but had not the means to do it. Four individual owners agreed to exchange unimproved lots for others unimproved, pay one dollar per lot for privilege to exchange and go on and improve lots so exchanged at their own expense in the section where the cemetery wanted to make a show of doing something. The improvements were made and paid for as agreed. Individuals certainly hold a large number of lots, but the cemetery has received a consideration for all the defendants hold, and can have them all again by repaying the moneys advanced with interest. The affiant to the complaint to the extent of his means has bought and sold as many lots, under these certificates, as any other person.

Sec. 11. A repetition of charges in section 10. If the instances of exchange had been specified, the defendants can easily explain that the cemetery was equally as much benefited as the individuals were, and any reasonable mind considering the circumstances would say the cemetery had the best of the bargain. Deponent thinks this section refers to lots selected and improved by the defendant Driggs for his family burial place. The cemetery had sold lots belonging to said Driggs, and the proceeds were paid into the treasury of the cemetery. Mr. Driggs allowed the cemetery to use the said proceeds only reserving the right to select other lots for those of his so sold. He afterward selected six and one-half lots which he improved by expending some four thousand dollars thereon. The improvement expected was one of the considerations presented to his co-trustees when he made the selection, though his long years of able service in the interests of the institution and the further fact that the cemetery owed him for lots sold belonging to him, entitled him to locate anywhere without further consideration. The acts of the defendants in all the matters referred to in this section will bear the closest scrutiny, and their unselfishness will be apparent to any unprejudiced mind. In all their dealings with the great trust committed to their care, they have thus far been largely "out of pocket" whatever they may have hoped for in the future, this fact being known to deponent from his agency in the cemetery.

Sec. 12. This section refers to the "trust funds" and their investment. The management of these funds has been a subject of study and discussion among the trustees of the cemetery. It has been pro-

posed by them to apply to the Legislature for an act instructing and limiting such investments; a compliance with the provisions of which would relieve them from personal responsibility. In the meantime the funds are safely invested, and the charge that the lots of owners who have contributed to said fund are neglected is without foundation, and such charges are only made by the impecunious or unfortunate proprietors who do not belong to the fund. In one instance a lot-owner was so pleased with the manner in which the income of \$30 was expended, that the amount was increased to \$300.

Sec. 13. Charges in this section are somewhat indefinite; if they intend to imply that these defendants have received an unfair proportion of the proceeds of sales of lots the implication is unjust. The act of April 27, 1847, allows the trustees to apply one-half of the proceeds from sales to the extinguishment of the debts made in purchasing lands, etc., for cemetery purposes.

By selling lots to parties who advanced money to purchase grounds for Cypress Hills Cemetery, we have given the owner the duty of selling his own lots. An examination of the records of sales for the last twenty-five years will show that less than one-quarter of the proceeds of sales have been applied to the benefit of parties who advanced money to get the cemetery in progress, and that more than three-quarters have been expended for the benefit of and preservation of the cemetery.

Sec. 14. The charges in this section are that efforts are made through the agency of undertakers to sell lots in the cemetery. This is not denied and the affiant to the complaint has done his share of the work as seller and undertaker; but that the agencies were for the exclusive benefit of individuals, or any of these defendants, is not true, nor have the receipts from sales through these agencies inured (almost wholly) to these defendants. The opinion advanced about what "ought to have been," is another conceited thought of youth that would have little weight with the board of seven men of years, abilities and experience.

Sec. 15. The consideration mentioned in the deed does not always express what the cemetery received for the lots sold, nor what the purchaser paid for the same. This is not an unusual practice; the Astor House was once conveyed by deed, according to report, for and in consideration of one dollar. The motive in making large figures in blank places for consideration was to keep up prices though the lot may have been sold at a discount.

Sec. 16. The charges in this section are partly true and partly false. The opinions of the affiant in the complaint, as to motives, unwarranted by the facts.

Sec. 17. The trustees have always made reports as required by law at the annual elections. There never was any opposition at the elections of trustees, as this deponent believes, except once, and then *bona fide* lot-owners had the majority.

Sec. 18. The advantages of the cemetery truly acknowledged. The reports in reference to its present condition are untrue. Instead of being without "a permanent fund," or "the means of creating such a fund," it already has such a fund, and under its present management,

if continued, will have \$2,000,000 invested for the care of the cemetery and the lots therein when all are sold.

Sec. 19. Recapitulation with more gratuitous opinions.

N. G. PALMER.

Sworn to before me, this 17th }
day of July, 1874. }

WILLIAM EDWARDS,
Notary Public, Kings Co.

EXHIBIT B.

December 14, 1880.

CYPRESS HILLS CEMETERY.

Hon. E. DRIGGS:

Dear Sir — I am as much surprised at the communication you have received from my son, N. F. P., and its contents as you are. I feel that he is acting under the influence of bad advisers and is attacking me as well as you and others. I shall stand by the board of trustees and our united record in the management of the cemetery since our connection with it.

Respectfully yours,

N. G. PALMER.

The above received this day, February 6, 1873.

E. D.

Cross-examination resumed:

Some of the allegations made in Exhibit A were not known to me then; I think the settlement of the Attorney-General's suit was not known to me at that time, but the other allegations were; on reflection, I think I found out of settlement of the Attorney-General's suit before I resigned as trustee; when trustee, I do not think I offered any motion in relation to the settlement of the Attorney-General's suit; referring to any other of the allegations in Exhibit A, I never brought these matters before the board in any way; during my official action as trustee, I never called the attention of my brother trustees to these matters; they knew my opinions; at the time I made the survey of the plank road, I think it was about 1852, I was then employed as surveyor and superintendent of the cemetery; my salary was about \$1,000 per year; there was an understanding that my salary should be increased as soon as possible; Messrs. Miles and Cromwell understood the matter in that way; I refer to the minutes of June 6, 1864, as showing that it was understood I was entitled to more compensation, and also July 20, 1864, minutes as showing this; I also call attention to the minutes of August 26, 1873, bearing on this matter.

Witness Noyes G. Palmer made the following additional statement:

When my son began the proceedings against the cemetery, it was against my knowledge and advice, after I found it out; and I, of course, naturally, thought the trustees would suspect me in the mat-

ter, and I prepared Exhibit A to assist Counselor Stearns in making an answer, and to make the best defense possible; my real purpose was to give the trustees confidence enough in their defense, to stand trial on it, that we might know the worst then; Mr. Stearns finally asked me to swear to the statement, which I did; I did not think they had a good defense, although I swore to it; on some points I still think they had a good defense and on others not.

Mr. Edmund Driggs recalled:

Examined by Counselor WAKEMAN:

In relation to the Kennedy bond affair, I have this additional to say: I was requested by the trustees to buy it in, and after considerable negotiation I succeeded in getting Mr. Kennedy to offer to sell it for \$1,600 cash, its face being \$2,500; I reported to my associates and they urged me to buy it, and told me they would give me plots at \$15 a plot, I think, and would give me the privilege to use the machinery of the institution in selling these plots until I got my money back, as they had no money to pay for the bonds. I bought the bond paying \$1,600 and it was canceled and burned I think as the other had been. Mr. Nellis never paid a dollar or had any interest in it. I used Mr. Nellis as agent of cemetery to sell some of these plots, until I could get back my money; but I found that Nellis and Palmer, who were selling those plots, were interfering with the sale of cemetery plots, and I stopped the sale, long before I got my money back. Referring to the sale of the one-third lots, I never had conversation with Mr. Nellis as stated by Mr. Palmer. I never had partnership with Nellis in the Kennedy bond plots. Mr. Palmer says that Mr. Nellis stated to him the other trustees were so fearful that their bond transactions would be known, that they submitted to Mr. Driggs' threats. In answer to this I say. I never threatened any one and never knew any one was afraid of me. To my knowledge nothing was ever said or done by the board of trustees to prevent any person having the right to know, hearing all about this bond transaction. In relation to the alleged conversation between Palmer and Nellis touching Mr. Pease and the bond transaction with Pease, I never had any such conversation with Nellis, but on the contrary told Mr. Pease all about the bond transactions, before he, Pease, had bought a lot. I sold plots to Rev. H. L. Husted. They were my own property. There was a committee appointed to sell the one-third plots. I was authorized to sell the balance of the one-third plots. I cannot tell when my agency for these third plots closed. The plots I sold Mr. Husted were my own and the cemetery had no interest in them. I fixed the Husted lots price, by computing what the plots had cost me with simple interest, and I sold them at that price. When I sold the lots belonging to the cemetery, I never received a dollar on that account. In reference to the sales made by me to Sandford, Law and Pease, the facts of the price and sale were substantially the same as in the Husted case. I know Mr. Salmon Skinner. I know of no arrangement by which Skinner was, as Palmer, says to "be let in the bond arrangement." I made no settlement with Skinner so far as the bonds were concerned. There was a great deal said about Skinner's work had been arduous and I believe he was settled with in some way for his influence with the Odd Fellows and building up the

cemetery. I never sold Mr. Murphy lots, and the statement in Mr. Palmer's statement is entirely without ground. I believe this paper shown me is the affidavit I made in the suit of the Attorney-General in July, 1874.

(No. 1.)

EXHIBIT C.

December 24, 1880.

CITY OF BROOKLYN, }
County of Kings, } ss.:

Edmund Driggs, being duly sworn, says that in the latter part of the year 1849 or in the beginning of the year 1850, I bought of Caleb S. Woodhull, then mayor of the city of New York and president of the Cypress Hills Cemetery Association, a bond issued by said association for \$30,000 at 7 per cent per annum interest for the sum of \$3,250. I also loaned the association \$1,500 in cash at the same time. The said money for bond and loan was appropriated by the association with other moneys obtained in a similar manner to pay off a bond and mortgage on the cemetery grounds, the cemetery association having assumed the mortgage upon purchasing the ground; the mortgage with accrued interest amounted to about \$14,000 at that time; this was before I was a trustee in the association; soon after this I was elected a trustee of the said association; I found that bonds to a large amount had been issued, part of which were in the hands of a party as collateral security for money he had loaned to the cemetery association, and learning that there were about \$480,000 of the cemetery association 7 per cent bonds outstanding with accrued interest amounting to about \$100,000, I positively refused to accept of said bonds for the money paid by myself and immediately, in connection with Mr. William Miles, insisted that these bonds should be called in and canceled. The trustees thereon commenced negotiations for the cancellation of said bonds, which was accomplished, with the exception of one bond, for \$2,500.

These bonds were in the hands of various persons who had rendered services in the organization of the association such as editors, printers, artists, surveyors and others. All of the bondholders, except one party holding a bond for \$2,500, consented to and surrendered their bonds, taking lots of 400 superficial feet each and at a valuation of \$60 a lot in lieu thereof, and waiving the accrued interest. All the land required to satisfy these bonds cost the association a little over \$11,000, and I believe that amount in services had absolutely been rendered the association.

After this was accomplished and that amount of property taken for the above object, the trustees found it necessary to purchase more land, and from the legislature of the State obtained authority to do so; and Messrs. William Miles, William J. Pease, Angelow S. Jarvis

and myself, had a friend not interested in the cemetery association, purchased sixty-four (64) acres of land adjacent to the cemetery grounds, giving a front on Myrtle avenue on the north. Said Miles, Pease, Jarvis and Driggs furnished the money to this friend to buy the land. The trustees then consented to take this land into the cemetery grounds and give back to the parties certificates equal to one-half of the land or thirty-two acres, retaining thirty-two acres for cemetery purposes, which did not cost the association any thing; all the lots I now own or ever did own I paid cash for; the first item of \$4,750 for bond and cash loaned and which bond I never had in my possession I took lots at a valuation of \$60 each in settlement of the bond, and \$15 cash in settlement of the loan; second, for my salary for one year's services at \$1,500 per annum, I took lots at the then market price.

At various times after this I loaned the association large amounts of cash to pay off its obligations incurred for labor, surveying, fencing and other necessary improvements and embellishments of the grounds, for all of which cash loaned I subsequently took lots at the market price in settlement.

I did this more as collateral security for money advanced than as a permanent purchase, and I subsequently sold back to the association over four hundred lots for \$13 each, being considerable less than they cost me, besides the loss of the interest on the money advanced. I have always been and am still ready to surrender all my lots to the association upon payment of their cost and simple interest; this fact I have repeatedly stated to the board of trustees.

I have given a large part of my time for over twenty years past, being the best part of my business life-time, to the interests of this association without one dollar of compensation, with the exception of one year for which I was to receive \$1,500 in cash for my exclusive time, but was compelled to take lots in settlement of the same at their market value.

I further state I have never received, either directly or indirectly, two per cent per annum interest on my investment in these cemetery lots.

N. Fink Palmer, who is the son of N. G. Palmer, one of the trustees of the association, and the surveyor and keeper of the grounds, and said N. Fink Palmer, who is the complainant in this case, for more than two years before the commencement of this action against the cemetery association, at various times and various places endeavored to prevail upon me to remove his father from office as keeper and surveyor and to appoint him in his father's place. The propositions were made to me at the cemetery, at my office No. 13 Broadway, Brooklyn, E. D., at my office No. 151 Broadway, New York, and at my private residence No. 279 Washington avenue, Brooklyn. He urged that his reasons for this were that his father was getting old and that he would be of more use to the association, being a young man and as well acquainted with the cemetery grounds as his father. At these propositions I gave him a very severe rebuke. Soon after his last effort to supplant his father, he commenced a crusade of black-mailing and abusive communications in reference to the cemetery, and I soon after received the most threatening and lying document that I ever saw, dated December 17, 1872, but which I did not receive until

some two or three months afterward, and not until he had written me a letter calling my attention to it, which letter and document I received at the same time.

The above document purported to be from a committee of lot-owners in the cemetery, and stated on the face of it that a large number of lot-owners had held a meeting and appointed a committee of which he, N. Fink Palmer, was chairman, to make an investigation into the affairs of the cemetery association; that the said committee had made such investigation, and the result was the blackmailing, lying report.

At this time, N. Fink Palmer was not a lot-owner nor ever had been to my knowledge, and the large meeting of lot-owners referred to consisted of himself and a Mr. Jordan, who was and is a lot-owner, and a Mr. George W. Kelsey, who was not a lot-owner and would have nothing to do with the matter and would not sign the report.

Almost immediately after receiving this extraordinary document and letter from N. F. Palmer, he called on me and asked me if I had received the letter and document. I asked him how he dared send me such a threatening document and abusive letter; he answered that the great interest he took in the cemetery and in the private lot-holders in the same induced him to do what he had. I told him that it was the most astounding document that I had ever seen, and that it was false in almost every particular, and that he knew it to be so if he knew any thing about the subject at all. I then turned from him and had nothing more to say with him at that time on the subject. I immediately showed the document to several of the trustees, among others, his father, N. G. Palmer, and also to an eminent lawyer.

I immediately sought out Mr. Jordan, who was a stranger to me, and who had signed this extraordinary paper with N. F. Palmer. I found him at his place of business in Pine street, New York, and believe him to be a respectable man, although a stranger to me. I asked him if he was the man who had signed that extraordinary blackmailing document served on me as president of the Cypress Hills Cemetery Association, in connection with N. F. Palmer. He said he was the man and that he was a lot-owner in the cemetery.

I asked him how he came to sign such a document, or if he knew what it was. He said he knew nothing about it, except what N. Fink Palmer had told him. I asked him if ever he had attended a meeting of lot-owners of which he was appointed a committee. I understood him to say that he had not, he had only seen N. F. Palmer and a gentleman of the name of George W. Kelsey and then I responded that neither N. F. Palmer or G. W. Kelsey were lot-owners. I told him that any of the lot-owners had a right to examine the books and papers of the association whenever they pleased, but I thought he had been most wonderfully deceived, and that I hoped he would do no more in that direction until he had examined into the facts of the condition of the cemetery. He assured me that he would not. I then told him that it would afford me great pleasure, as president of the association, to give him or any other lot-owner or committee of lot-owners any and every facility to make as full and thorough an investigation of the affairs of the association as they desired, for which he thanked me and I have not seen him since. Soon after this N. Fink Palmer called on me at my office No. 151 Broadway, New York, and asked me what

I proposed to do with him in reference to the cemetery matter. I asked him what he wanted me to do. He said that he was poor and intimated in very plain language that he would be turned out of his father-in-law's house, Mr. L. D. Tice's of 21 Fourth street, Brooklyn, E. D., unless he procured something to do and brought home money to support his wife. To this I replied that he was taking a very remarkable course to procure employment, and that his father had stated to me that his whole object was to force himself into the employ of the cemetery association and also said that he would not have him about the cemetery grounds, if he would work for nothing, after the course he had pursued. He then said that I could give him employment in the insurance company of which I am the president. I told him that it was impossible to give him any employment after the threatening letter he had written to me, and that he knew it, and that I was astonished that he should have the impudence to suggest any such thing, and that I wished him to leave my office, and that he might consider himself fortunate in not being punished for what he had already done. He seemed to be alarmed, much excited and left my office. Soon after this, on February 18, 1873, I received a letter from him of which the following is a copy :

No. 21 FOURTH STREET, BROOKLYN, E. D., }
February 18, 1873. }

MR. EDMUND DRIGGS,

President Cypress Hills Cemetery :

DEAR SIR— On December 17, 1872, I sent you a communication in regard to the trustees of the Cypress Hills Cemetery and their management; upon further examination into the facts of the case, I cheerfully retract and withdraw said charges, and feel that my conclusions were too hastily drawn, and that the present board of trustees are acting the expedient course for the sacred and delicate interests of the association.

Yours respectfully,

(Signed)

N. FINK PALMER.

In a few days after the receipt of the above letter he called on me again, and was as humble as a man could be, regretted what he had done and said that if he had known what he then knew he would not have done as he had. He then told me, to prove his sincerity and his sorrow for what he had done, that if I would allow him to go to the office of the association and to the grounds, as he was now a lot-owner, having purchased a plot, that he would spend weeks or months to make a report that would convince me of his sincerity and asked me for written authority to make such examination. I hesitated, but finally, in view of the delicate character of a burial place for the dead, concluded it was my duty to give him as a lot-owner every opportunity to make a thorough investigation of the whole history of the association from its organization, if he so desired, and therefore gave him such authority in writing to examine the books of the company.

He did make such examination the result of which was a report signed by himself and the aforementioned Mr. Jordan fully and entirely exonerating the present board of trustees from all improper conduct in the management of the affairs of the association.

See the accompanying report, which was received by deponent from said N. Fink Palmer on or about the day of 1874, after making this report he importuned me for a number of weeks to give up the threatening document he had sent me. He plead for his father's sake, his wife and her family, that he did not wish them to know of it. He finally prevailed upon me by pleading that it might become known and would expose him to trouble. I would not give it to him but burned it in his presence in my office No. 151 Broadway, New York.

The lots that I now own are 558½ of 400 superficial feet each, as follows:

179 lots in section 15, bought.....	Jan.	1, 1857
235 " " 16, "	Jan.	1, 1857
13 " " 7, "	Dec.	6, 1858
3 " " 7, "	Sep.	29, 1870
1 " " 3, "	Jan.	28, 1858
3 " " 3, "	May.	20, 1854
10 " " 3, "	Feb.	6, 1861
11 " " 14, "	March	28, 1861
10 " " 14, "	July	20, 1857
3 " " 14, "	July	20, 1857
1 " " 14, "	Dec.	11, 1866
20 " " 14, "	Feb.	1, 1857
4 " " 14, "	March	28, 1861
5 " " 17, "	Oct.	3, 1870
3 " " 10, "	Oct.	3, 1870

And a floating certificate No. 1,556 for 57½ lots, all of which were paid for as previously stated.

The first that I heard from N. F. Palmer for many months was the service of this complaint.

In said complaint he charges the trustees of exchanging unsalable lots for improved and saleable lots.

The only exchange of the kind that I ever knew of was made by myself and other trustees of ungraded lots for other ungraded lots in a very beautiful section of the cemetery, but they were a nuisance as they were covered with rocks, briars, thickets, old fences and hedges, and the cemetery having no money to improve said section, the trustees changed even, lot per lot, and paid the association \$100 an acre in cash for grading and cleaning this section, and so far from the trustees bringing their lots in competition with the association in selling, Mr. Miles and myself, to my personal knowledge, and I believe other trustees also, have allowed the association to sell our lots to any purchaser who preferred them to the association lots and taken certificates for other lots for those sold by the association. The association thus receiving the cash from the sale of our lots. This was done to a large extent and amount for a long number of years. In addition to this to help the Cemetery Association the trustees have for years paid in cash to the association \$30 on every one of their lots sold, no matter by whom, \$10 to go toward defraying the expenses of the cemetery,

the balance of \$20.00 to what is designated as the "care fund" and if this system is carried out until all the lots are sold there will be then a fund of over \$1,000,000 in the treasury.

I further state that part of the lots owned by me were bought by the First Methodist Episcopal Church of Williamsburgh, for congregational purposes, from the Cemetery Association, and bought by me from them at what they paid for the lots and interest added.

EDMUND DRIGGS.

Sworn to before me, this }
18th day of July 1874. }

J. G. JENKINS, *Notary Public.*

Mr. N. Fink Palmer made a report on the cemetery in 1873.
[Shown a paper, identified it as the report of N. Fink Palmer.]

EXHIBIT D.

December 24, 1880.

CYPRESS HILLS CEMETERY.

Statements of a committee of lot-owners, May 1, 1873.

Report of Committee.

A number of lot-owners of Cypress Hills Cemetery desired to learn the facts in regard to the financial history of the association, and organized themselves into an investigating committee, and selected one of their number to examine books, papers and other evidences.

The president of the association afforded this gentleman all the facilities necessary to a complete understanding of the case.

Having concluded my efforts sufficient to report, therefore append the following.

1. *Records.*

The records of the association require careful study, and the oral testimony of those best acquainted with the details of transactions is often required to explain the facts; and many facts in the early history of the association were not necessarily a part of their records, but the private matters of individuals.

2. *Financial sketch of the early history of the association.*

The cemetery was organized in 1849 by Abraham H. Van Wyck, a real estate dealer in lands in this vicinity, and having a large tract of ground unsalable as building lots and paying little as farm lands, he concluded to start a cemetery. He interested with him *Mr. C. Edwards Lester*, *Mr. Luther R. Marsh*, lawyers of New York city, also ex-Mayor Caleb S. Woodhull, of New York, and Dr. Chas. Miller, of Brooklyn. These five individuals were the first board of trustees; and it is well to remark just here that none of these gentlemen are connected with

the association now. Only two are living, and their acts, as a board of trustees, cannot be called to account, but were handed down to the present board of trustees for them to adjust as best for the sacred interests of the cemetery.

4. *Purchase of land.*

Van Wyck sold to the cemetery (125) one hundred and twenty-five acres for about \$20,000. This amount was secured by two bonds, one of \$9,720.70, and another of \$9,930.93. The first was paid in cemetery lots, at twenty dollars each, and the other in cash, which with interest amounted to about \$13,000. This latter bond was paid by an arrangement made with Mr. Chas. T. Cromwell.

4. *Bonds created for \$480,000.*

After the cemetery was started it did not pay Mr. Van Wyck and the other four gentlemen interested. They were obliged to advance personally some \$795, and they then devised a scheme, which had they been successful in, would have made a handsome fortune for each.

At a meeting recorded on the minutes November 6, 1848, the board of trustees (consisting of these gentlemen mentioned) *bonded the association for \$480,000*—eight bonds, each \$60,000. These became the private property of the following persons, and were held according to the numbers mentioned:

A. H. Van Wyck.....	\$180,000,	3 Bonds	Nos. 6, 7, 8
C. Edwards Lester.....	120,000,	2 “	“ 1, 2
Luther R. Marsh.....	60,000,	1 “	“ 3
Caleb S. Woodhull.....	60,000,	1 “	“ 4
Dr. Charles Miller.....	60,000,	1 “	“ 5
	<hr/>		
	\$480,000	8	“
	<hr/>		

The bonds were taken by these gentlemen to negotiate for their private gain. The interest to be drawn by the holders. This amounted to \$33,600 per annum, or \$2,800 per month. At time of the creation of these bonds the interest for three months exceeded the annual receipts of the association. These bonds were changed from \$60,000 each to others of less denominations to facilitate their negotiation. This explains how the cemetery was started, how bonded, and by whom.

5. *Sale of Lots, etc.*

About a year after the organization of the cemetery, the Odd Fellows Lodges purchased burial lots, and to perfect the title to the grounds the association were obliged to pay off one of the original bonds issued to Van Wyck, for the purchase-money. This bond was for \$9,930.93, which with interest amounted to about \$13,000. This was accomplished by interesting Mr. Charles T. Cromwell and Mr. P. T. Barnum. Mr. Cromwell required all the \$480,000 bonds to be assigned to him, and he received two-thirds of all sales until reimbursed, and then these bonds were returned to their owners, and by them negotiated for various sums and different parties. This negotiation

complicated the situation of affairs. After the Odd Fellows' purchase the M. E. churches of New York city, Brooklyn and Williamsburgh purchased 600 burial lots. This was secured through the services of Mr. Edmund Driggs who had purchased a \$40,000 bond for \$4,750, on the representations of ex-Mayor Woodhull that matters were correct. Soon after this William Miles and William J. Pease became interested in the bonds, and in a short time thereafter were elected trustees.

6. Bonds canceled.

Messrs. Driggs, Miles and Pease have been identified with the different boards of trustees from the retirement of the old board. Soon after their election they discovered the true state of the association and commenced immediately to adjust them. The matter was fully considered under advice of able counsel. The sacred nature of the cemetery and the fact that the M. E. churches, Odd Fellows and other societies and individuals had become involved was considered, and it was decided to cancel the bonds the cheapest and most judicious way possible. Had this not been done, litigations would have followed the association and eaten up all its revenue. Interest and principal would have increased the indebtedness in ten years to over \$1,000,000, and to avoid this fatal blow, the new board of trustees deemed it most expedient to charge a very high price for cemetery lots when land was very cheap, and exchange for the bonds certificates for cemetery lots. This exchange cost the association a very small sum comparatively. The lots were located so that no sales could be made, and are to this day (twenty years afterward) unsaleable, being in a dense woods with no roads leading to them. So that when the association were strong enough financially to defend itself against this gigantic fraud, it could repudiate the certificates issued to pay the "old bonds" and make satisfactory arrangements with *bona fide* holders.

This cancellation was consummated as follows: The new board of trustees called a meeting February 26, 1851. A committee was appointed to revise bonds and make a list of holders, and so successful were these gentlemen that they caused \$180,000 to be deducted from the original amount of bonds of \$480,000 and also over \$100,000 that had accumulated as interest money, making a total reduction of \$280,000. The amount then stood \$300,000, and beside this reduction one-third of this \$300,000 was to be refunded in lots, so in effect this committee of the new board reduced the indebtedness of the association created by the old board of trustees, to \$380,000 less than was demanded. But to continue, the \$300,000 in bonds were all canceled by the holders receiving in exchange certificates of cemetery lots at \$60 each, taking just 5,000 lots. Messrs. Driggs, Miles and Pease refused to take any lots on bonds they purchased but canceled the bonds, and for the actual money paid by them for their bonds received certificates at \$20 each. The price paid was in one case \$4,750 for a \$40,000 bond, and in the other two instances about \$3,500. This completes the explanation of the cancellation of bonds and methods used. Hence we conclude this point by saying that the new board of trustees found the association a premature birth left on their door-step secretly, a shrunked, shriveled, dead project. They took it, breathed life into it, and with all its inherent deformity have made it a success.

7. Acts of the present board.

The present board of trustees are the second set of officers, Messrs. Driggs, Miles, Pease and Jarvis having remained in the board since the old board vanished with its bonds. These gentlemen have advanced from time to time large sums of money, and without enumeration of details and figures, which are open to full examination, it is easily demonstrated that these trustees have not received more than three per cent on all their advances. They hold as collateral security for these loans cemetery certificates for lots, which it is understood the association can redeem upon payment of principal and interest. Besides this the president, Mr. Driggs, has already returned to the association 430 lots at cost price without any interest. A deceased trustee, Mr. H. G. Law, did the same on 200 lots. The trustees were not fully assured of the success of the association at the time of the bond settlement, and advanced sufficient money to carry the business along and have continued to do so. It will be remembered that it took 5,000 lots to pay the bonds off, yet the trustees advanced money to buy the land, and, as will be explained hereafter, gave half of it without price to the impoverished cemetery. These brief statements are a complete explanation of why the trustees hold a large number of cemetery lots. That is they are held as collateral for loans to be redeemed upon paying principal and interest.

8. Total lands purchased.

The following is a list of lands purchased up to date, with cost:

Van Wyck...	125 acres, at.....	\$22,000
Snedeker	80 " \$125.....	12,000
Rapalyea.	18 " 100.....	1,800
1853 and 1854,	64 " 	
Duryea.....	4 " 300.....	1,200
Denton.....	2 " 	2,900
Phillips.....	12 " 	2,500
	<hr/> 305	<hr/> \$41,500

The cemetery contains over 300 acres, costing about \$42,000, and which is all paid. In these several land purchases, the trustees have made loans to the association, on security before explained, and whatever profits have accrued on such transactions has been to the advantage of the association, while the advantage accruing to the trustees have not been a fair percentage on their loans. In one instance sixty-four acres were purchased by four trustees, and these trustees paid for all the land, and the cemetery received thirty-two acres as a gift, while the whole sixty-four was principally absorbed by the bond settlement. This purchase was a legitimate transaction. By an amendment to the Rural Cemetery Act of 1847, under which this cemetery, Greenwood, and others operate, is the following found in Revised Statutes, vol. 11, p. 628, it reads: "An association formed under this act may also agree with the persons or person from whom cemetery land shall be purchased, to pay for such lands, as the purchase-price thereof, any specified share

or portion, not exceeding one-half the proceeds of all sales of lots
* * *

This answers the point without further comment. This sixty-four acre purchase is particularly mentioned because it was the only instance of a similar purchase, though several others were mentioned on the minutes of the association, yet they all refer to this one, which contains several smaller transactions.

9. General statements.

Since the organization of the cemetery, its area has increased from one hundred and twenty-five (125) acres to over three hundred (300) acres. The remains of nearly one hundred thousand people have been buried here. Burial lots have increased in standard price from \$50 to \$300, and in receipts and expenses and general business, ranks next to Greenwood, and is one of the very largest and most promising cemeteries in the country. Cypress Hills has been particularly favored by Masonic and Odd Fellows societies; churches of nearly every denomination have removed their dead here by thousands; and the soldiers of the Union here buried by the U. S. government form one of the largest national cemeteries. Beside these public favors, about five thousand families have received deeds for private lots. The association has physical advantages, which will make it rank, in time, the largest and most popular adjacent to New York city. It has the privilege of increasing its present area to 570 acres, and the land is easily acquired. At present the cemetery contains some 22,000 lots as follows:

Deeded and sold in single graves	4,500
Unsold, surveyed and not surveyed.....	5,500
Held by "old bonds" (subject to settlement).....	5,000
Held by trustees as collateral.....	7,000
	<hr/>
Making a total of cemetery lots.....	22,000
	<hr/>

This exhibit shows that the association controls 17,500 lots. That is all but those actually deeded.

The act of incorporation requires that all sales of lots and receipts shall be appropriated to the payment of land, and the association cannot make extensive improvements until this is done. The sale of 4,500 lots and loans received from those held by the trustees, as collateral, has done this, and more beside in general improvements as follows: Laying out the grounds, construction of at least (12) twelve miles of carriage drives and over twenty miles of paths; embellishments of a general nature, such as purchase and planting trees, shrubs, plants, etc., grading, and some four miles of fencing around the association grounds; building keeper's office, and visitors' rooms at entrance to cemetery; erecting a receiving tomb, keeper's dwelling on Myrtle avenue, bell-tower and observatory, also barns and green-house; besides these there were miscellaneous expenses, of horses, carts, implements of labor, office furniture, books, maps, etc., and hence the lands are paid for, and large sums paid for other purposes, and the running expenses as well, and now it is time for the association to commence

more extensive improvements, and can create a fund for perpetual care of the grounds. Within a year or so a trust fund has accumulated to \$15,000. Each lot sold from a certain date deposits on trust for each lot \$20; and to lots sold previous to this date, \$30; and the interest of this fund is expended in the general care of the grounds.

10. *Prospects of the association.*

From the foregoing statements, we may calculate the prospects before the association. These calculations are speculative, but, nevertheless, reasonable.

Approximate assets.

Five thousand five hundred lots sale, clear profit, as lands are paid for, average price say \$150 per lot.....	\$825,000
Five thousand "old bond" lots to be reclaimed and sold, say profit on each lot, \$100.....	500,000
Seven thousand "collateral" by trustees, at \$100 per lot, above principal and interest to redeem.....	700,000
From trust fund old lots, say 2,000 at \$30.....	60,000
From trust fund new lots, 20,000, at \$20.....	400,000
From trust fund, profits on sales of trust fund lots purchased as an investment.....	200,000

Total approximate estimate of assets on present area of 300 acres.....	\$2,680,000
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The running expenses are largely met by profits on labor; the balance and other improvements is kept up by general receipts, and this estimate of approximate assets will be decreased accordingly; but in addition to this is to be considered the 250 acres yet to be appropriated, this will give seventy lots to the acre; 15,500 lots, on which the association will profit say \$100 per lot, including trust fund from each lot.....

	1,550,000
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Which added to the first estimate makes	<u>\$4,230,000</u>
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This sum will be expended to an extent reducing it to \$2,500,000, less	<u>\$1,730,000</u>
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Leaving a balance as a trust fund, of this latter sum, the interest of which will allow for annual expenses	<u>\$100,000</u>
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This result it is reasonable to expect from the opportunities of the association.

Before closing the report it is pertinent to state in justice to several trustees, that the association has been greatly benefited by the macadamized road leading from Williamsburgh to the cemetery, which opened a direct and improved drive, a mile shorter, for funerals from New York city, and with no tolls for years. This enterprise as a stock company took about \$100,000, mostly subscribed to by Messrs. Driggs,

Miles and Pease, and from which investment there is no prospect of return. Besides this heavy loss, these gentlemen also expended several thousand dollars in a branch track of the Jamaica railroad, for accommodation of funerals and visitors, which project was abandoned.

11. *Concluding suggestions.*

In conclusion, it seems but justice to the association and the board of trustees to suggest through this committee the following:

First. That as the trustees hold certificates of cemetery lots as collateral security for loans to the association, that the association should execute an agreement to pay said loans, principal and seven per cent interest until said certificates are redeemed.

Second. That twenty years of experience has tested the wisdom and judicious arrangement made whereby the association was saved from bankruptcy and prevented from paying bonds for \$480,000, with annual interest; bonds created for speculation by the first board of trustees, and for which the association never received any consideration. The exchange made of certificates for bonds has carried with it no better title than the original bonds, and has allowed the association to become powerful enough to consider the expediency of repudiating these certificates, and make satisfactory settlement with *bona fide* holders. The court records in the Starkweather litigation on a bond of \$2,500 is evidence of the intention of the board of trustees.

Third. The early embarrassments of the cemetery made it necessary to sell quite a number of lots not as yet deeded, nor used for burial purposes, therefore, it is the intention of the board of trustees to repurchase these lots to prevent their competition with cemetery prices, and thus enable the association to receive all profits on the sale of lots, and that thereafter all deeds granted by the association will show the exact consideration received by the treasurer as mentioned in the deed.

Respectfully submitted,

N. FINK PALMER,

Of the Committee.

May 1, 1873.

[Mr. Stearns filed Exhibit E.]

EXHIBIT E.

December 24, 1880.

This agreement made and entered into this 19th day of May, 1856, between the Cypress Hills Cemetery, of the first part, and William Miles, of the second part, witnesseth:

Whereas Edmund Driggs and wife, William I. Pease and wife, and William Miles have by deed bearing date May 17, 1856, sold and conveyed to Edward Henwood certain lands, in said deed mentioned, for the sum of sixty-four thousand dollars; and

Whereas, for the purpose of securing the payment of said consideration money, said Edward Henwood has executed to said Driggs, Pease and Miles and one Algernon S. Jarvis, severally, a mortgage on the undivided one-fourth part of said premises for the sum of sixteen

thousand dollars ; each of said mortgages bearing date May 17, 1856, and payable May 17, 1857, with interest payable semi-annually on the 17th days of November and May of each year ; and

Whereas said Edward Henwood has conveyed to said party of the first part said premises, subject to said mortgages, by deed, dated May 17, 1856, the payment of which said mortgages said party of the first part has assumed :

Now, therefore, in consideration of the premises it is mutually agreed by and between the said parties hereto, that the said party of the second part will and he does hereby agree to take and receive from the said party of the first part in payment for said mortgage good and and sufficient deeds of conveyance in pursuance of the rules and regulations of said party of the first part, of 640 located lots or plats of land of the premises conveyed in the deed aforesaid, duly located, surveyed and laid out into lots or plats by said party of the first part on or before the 17th day of May, 1857, said lots or plats to contain 400 superficial square feet of land, and to be taken at the stipulated price and value of \$25 per lot or plat.

And it is further agreed that for every lot or plat so conveyed, as aforesaid, the party of the second part shall and he does hereby agree to indorse or receipt on said mortgage the sum of \$25.

And said party of the first part hereby covenants and agrees to and with said party of the second part to give to said party of the second part said conveyances of said lots or plats on or before the 17th day of May, 1857, on the surrender of the certificates for said lots, which said party of the first part gives to said party of the second part in the form used by said cemetery.

And the said party of the first part hereby covenants and agrees, that the said party of the first part will pay to said party of the second part said mortgage and the moneys to become due thereon, according to the terms thereof, when the same shall become due, deducting therefrom the sum of \$25 for each and every lot conveyed to the party of the second part, as aforesaid ; the interest on said mortgage to be paid when the same shall become due, in money or located lots as aforesaid, at the option of the party of the first part.

In witness whereof the said corporation have hereunto set their corporate seal and caused their president and treasurer to subscribe this instrument, and the said party of the second part has also hereunto set his hand and seal the day and year first above written.

WM. MILES. [L. s.]

[L. s.] EDMUND DRIGGS, *President.*
WM. MILES, *Treasurer.*

Witness :

JOHN DEAN.

This agreement made and entered into this 19th day of May, 1856, between the Cypress Hills Cemetery of the first part and Algernon S. Jarvis of the second part, witnesseth :

Whereas, Edmund Driggs and wife, William I. Pease and wife, and William Miles have, by deed bearing date May 17, 1856, sold and

conveyed to Edward Henwood certain lands in said deed mentioned for the sum of sixty-four thousand dollars ; and

Whereas, For the purpose of securing the payment of said consideration money said Edward Henwood has executed to said Driggs, Pease and Miles and to Algernon S. Jarvis severally a mortgage on the undivided one-fourth part of said premises for the sum of sixteen thousand dollars, each of said mortgages bearing date May 17, 1856, and payable May 17, 1857, with interest payable semi-annually on the 17th days of November and May of each year ; and

Whereas said Edward Henwood has conveyed to said party of the first part said premises subject to said mortgages, by deed dated May 17, 1856, the payment of which said mortgages said party of the first part has assumed :

Now, therefore, in consideration of the premises it is mutually agreed by and between the said parties hereto, that the said party of the second part will and he does hereby agree to take and receive from the said party of the first part in payment for said mortgage good and sufficient deeds of conveyance in pursuance of the rules and regulations of said party of the first part of 640 located lots or plots of land of the premises conveyed in the deed aforesaid, duly located, surveyed and laid out into lots or plots by said party of the first part on or before the 17th day of May, 1857, said lots or plots to contain 400 superficial square feet of land and to be taken at the stipulated price and value of \$25 per lot or plot.

And it is further agreed, that every lot or plot so conveyed as aforesaid, the party of the second part shall and he does hereby agree to indorse or receipt on said mortgage the sum of \$25.

And said party of the first part hereby covenants and agrees to and with said party of the second part, to give to said party of the second part said conveyances of said lots or plots on or before the 17th day of May 1857 on the surrender of the certificates for said lots, which said party of the first part gives to said party of the second part in the form used by said cemetery.

And the said party of the first part hereby covenants and agrees, that the said party of the first part will pay to the said party of the second part said mortgage and the moneys to become due thereon, according to the terms thereof, when the same shall become due, deducting therefrom the sum of \$35 for each and every lot conveyed to the party of the second part as aforesaid. The interest on said mortgage to be paid when the same shall become due in money or located lots as aforesaid at the option of the party of the first part.

In witness whereof the said corporation have hereunto set their corporate seal and caused their president and treasurer to subscribe this instrument, and the said party of the second part has also hereunto set his hand and seal, the day and year first above written.

A. S. JARVIS. [L. s.]

[L. s.]

EDMUND DRIGGS, *President*.
WILLIAM MILES, *Treasurer*.

Witness:

JOHN DEAN.

This agreement made and entered into this 19th day of May, 1856, between the Cypress Hills Cemetery of the first part and William I. Pease of the second part, witnesseth :

Whereas, Edmund Driggs and wife, William I. Pease and wife and William Miles have by deed, bearing date May 17, 1856, sold and conveyed to Edward Henwood certain lands in said deed mentioned for the sum of sixty-four thousand dollars ; and

Whereas, For the purpose of securing the payment of said consideration money, said Edward Henwood has executed to said Driggs, Pease and Miles and one Algernon S. Jarvis severally a mortgage on the undivided one-fourth part of said premises for the sum of sixteen thousand dollars, each of said mortgages bearing date May 17, 1856, and payable May 17, 1857, with interest payable semi-annually on the 17th days of November and May of each year; and

Whereas, Said Edward Henwood has conveyed to said party of the first part said premises subject to said mortgages, by deed dated May 17, 1856, the payment of which said mortgages said party of the first part has assumed :

Now, therefore, in consideration of the premises it is mutually agreed by and between the said parties hereto, that the said party of the second part will and he does hereby agree to take and receive from the said party of the first part in payment for said mortgage good and sufficient deeds of conveyance in pursuance of the rules and regulations of said party of the first part of 640 located lots or plots of land, of the premises conveyed in the deed aforesaid, duly located, surveyed and laid out into lots or plots by said party of the first part on or before the 17th day of May, 1857, said lots or plots to contain 400 superficial square feet of land, and to be taken at the stipulated price and value of \$25 per lot or plot.

And it is further agreed that for every lot or plot so conveyed as aforesaid, the said party of the second part shall and he does hereby agree to indorse or receipt on said mortgage the sum of \$25.

And said party of the first part hereby covenants and agrees to and with said party of the second part, to give to said party of the second part said conveyances of said lots or plots on or before the 17th day of May, 1857, on the surrender of the certificates for said lots, which said party of the first part gives to said party of the second part in the form used by said cemetery.

And the said party of the first part hereby covenants and agrees, that the said party of the first part will pay to said party of the second part said mortgage and the moneys to become due thereon, according to the terms thereof, when the same shall become due, deducting therefrom the sum of \$25 for each and every lot conveyed to the party of the second part as aforesaid, the interest on said mortgage to be paid when the same shall become due, in money or located lots as aforesaid, at the option of the party of the first part.

In witness whereof the said corporation have hereunto set their corporate seal, and caused their president and treasurer to subscribe this instrument, and the said party of the second part has also hereunto set his hand and seal the day and year first above written.

WILLIAM I. PEASE. [L. s.]

EDMUND DRIGGS, *President.*
WILLIAM MILES, *Treasurer.*

Witness :

[L. s.]

JOHN DEAN.

This agreement made and entered into this 19th day of May, 1856, between the Cypress Hills Cemetery of the first part, and Edmund Driggs of the second part, witnesseth:

Whereas, Edmund Driggs and wife, William J. Pease and wife and William Miles have, by deed bearing date May 17, 1856, sold and conveyed to Edward Henwood certain lands in said deed mentioned for the sum of sixty-four thousand dollars; and

Whereas, for the purpose of securing the payment of said consideration money, said Edward Henwood has executed to said Driggs, Pease and Miles and one Algernon S. Jarvis severally, a mortgage on the undivided one-fourth part of said premises for the sum of sixteen thousand dollars, each of said mortgages bearing date May 17, 1856, and payable May 17, 1857, with interest payable semi-annually on the 17th days of November and May of each year; and

Whereas, said Edward Henwood has conveyed to said party of the first part said premises subject to said mortgages, by deed dated May 17, 1856, the payment of which said mortgages said party of the first part has assumed:

Now, therefore, in consideration of the premises, it is mutually agreed, by and between the said parties hereto, that the said party of the second part will and he does hereby agree to take and receive from the said party of the first part, in payment for said mortgage, good and sufficient deeds of conveyance in pursuance of the rules and regulations of said party of the first part, of 640 located lots or plats of land of the premises conveyed in the deed aforesaid, duly located, surveyed and laid out into lots or plats by said party of the first part on or before the 17th day of May, 1857; said lots or plats to contain 400 superficial square feet of land, and to be taken at the stipulated price and value of \$25 per lot or plat. And it is further agreed that for every lot or plat so conveyed as aforesaid, the said party of the second part shall, and he does hereby agree to indorse or receipt on said mortgage the sum of \$25.

And said party of the first part hereby covenants and agrees to and with said party of the second part, to give to said party of the second part said conveyances of said lots or plats on or before the 17th day of May, 1857, on the surrender of the certificates for said lots, which said party of the first part gives to said party of the second part in the form used by said cemetery.

And the said party of the first part hereby covenants and agrees that the said party of the first part will pay to said party of the second part said mortgage and the moneys to become due thereon according to the terms thereof when the same shall become due, deducting therefrom the sum of \$25 for each and every lot conveyed to the party of the second part as aforesaid, the interest on said mortgage to be paid when the same shall become due, in money or located lots as aforesaid, at the option of the party of the first part.

In witness whereof the said corporation have hereunto set their corporate seal, and caused their president and treasurer to subscribe this instrument, and the said party of the second part has also hereunto set his hand and seal the day and year first above written.

EDMUND DRIGGS. [L. S.]

[L. S.] EDMUND DRIGGS, *President.*

WM. MILES, *Treasurer.*

Witness:

JOHN DEAN.

By COMMITTEE—How did you get lots 500 to Husted, 200 to Sandford, 100 to Murphy, 200 to Law, 167 to Jarvis, and part of 450 to Jarvis and Pease? Exchanged 100, sold 400 to trust fund.

Answer—The list is not correct because I never sold them as stated in that list; I have already stated I never sold any to Murphy. My former testimony fully explains my operations in plots.

William Miles recalled:

In answer to Mr. Palmer witness said: I know that Mr. Murphy had 100 plots; do not know that there was a lawsuit between Pease and Murphy about these lots; Murphy told me that he bought them from Pease and was going to sue him.

[Counselor WAKEMAN filed Exhibits F, G and H.]

Mr. Stearns recalled:

This is a copy of an original affidavit made by Mr. Miles, dated July 18, 1874; I see it is marked Exhibit G of date.

Adjourned until December 31st, at 2 P. M.

EXHIBIT F.

December 24.

To the Hon. Mr. WREN, *Chairman of the Committee of Investigation of Rural Cemeteries:*

SIR—In answer to your inquiries, as to whether any legislation would conduce to the further relief of the Cypress Hills Cemetery, I beg leave to respectfully say, that I do not deem any special legislation in its particular behalf at all necessary. There are already more laws in relation to this particular cemetery than are beneficial or sound. The Cypress Hills Cemetery is entitled to no more consideration for relief than any other cemetery, and its financial affairs require no special relief. What the cemetery stands most in need of is quietude, a simple permission to conduct its affairs without unnecessary molestation or annoyance.

The general act of 1847 is sufficient for all general cemetery purposes, with, perhaps, a little improvement thereto. It should, in my opinion, be broad enough to enable all cemeteries to do whatever was necessary to their proper management and success. For instance, it is necessary to raise money to pay for lands, to make improvements and contingent expenses. This power can easily be limited to guard against abuse. Liabilities in the shape of bonds or notes to pay for lands might be authorized subject to the appraisal of a property holder in the county where the cemetery is to be located, and who should be appointed by the court; so again in regard to bonds for improvements, a limited amount of liabilities might be incurred, say, the total not to exceed one-tenth of one-half of all the land purchased. This would be somewhat in accordance with the idea attempted to be carried out by the founders of this cemetery, but failed to be put in practice for

the want of sufficient legal authority. This, also, would do away with the plan of buying land on halves as is now authorized by the statute. I see no objection to either, or both ways; it only gives more scope to do the same thing. As long as the provision for appropriating one-half of the receipts of all the sales of the lots for improvements and the future care of the cemetery was well guarded, there could not be great, if any, harm growing out of any abuse in incumbering or disposing of the other half. One thing I consider of the greatest importance to all cemeteries, and that is the putting aside of a portion of the receipts from the sale of lots as a *Care Fund* for their future preservation. I would lay aside fully one-quarter, until the fund had attained a sum sufficiently large that the interest upon it would fully preserve the grounds for all time. I know of no feature in a man's conduct that calls for condemnation louder than his indifference to what should be a grateful sentiment of reverence and respect for the resting place of his ancestors; even religious associations (Jews excepted) fall within the ban. Wealthy congregations who have profited by the sale of the grounds wherein was once deposited the remains of patriots and human benefactors, whose deeds have graced the historical pages of a renowned nation, have left, as mournful monuments of ungrateful descendants, neglected and dilapidated cemeteries to mark their ingratitude. This sorrowful picture will become more glaring, when large and extensive cemeteries shall have ceased to be used for further burials. The very object for which they were inaugurated will have failed, unless due provisions are made for their preservation; the surest way to make this provision is by laying up in due season a perpetual "*Care Fund*" out of the sales of the lots. In regard to the question of getting rid of the competition from the owners of certificate lots, I think, in the absence of any mutual arrangement between the owners and the cemetery, that perhaps an enabling law might be framed to meet the case.

The law for the purchase of those lots at a price not exceeding \$30 per lot has worked so far beneficially and much to the advantage of the cemetery. Under that law they could probably all be bought in by the cemetery or an arrangement made by which the cemetery should have the sale of all of them, and be allowed perhaps one-half of the sales for making them and the improvements thereto, with the privilege of buying them at any time within five years at a price to be agreed upon, but not over \$30 each. I think nearly all the holders of those certificates would enter into that arrangement.

If no other good comes from the present investigation than making a proper provision in the general law to supply this defect, enough will have been done to entitle you to thanks and pecuniary reward from the community.

I here beg leave to express to you and the members of your committee my acknowledgment for the patience you have shown in acquiring information of the workings and management of cemeteries, and especially the gentlemanly and impartial manner in which you, as chairman, have conducted this investigation.

While I, personally, seek no exoneration from the result of any act of omission or commission of mine, which in the judgment of your honorable committee may have been a departure from the true course, I shall, nevertheless, be happy if your investigation is crowned with good results to this and all other cemeteries.

EXHIBIT G.

December 24.

I have read over Mr. Palmer's fresh charges, and in answer will say: That I believe I have covered, in my previous direct testimony, about all that Mr. Palmer refers to. As to Mr. Palmer's opinions and hearsays, I do not see that they have any particular pertinence to the main questions affecting the management. I will admit, if it satisfies Mr. Palmer any better, that there were a good many mistakes, probably, made.

When I became associated with the cemetery, it was an organized institution; the bonds had been created and issued; I bought some, others bought some, and they were all claimed to have a legal existence and ownership. The cemetery was hopelessly in debt, without considering the bonded indebtedness, in my judgment. The question was not so much a question of fraud as one of how to extricate the cemetery out of its difficulties, and prevent it from being sold out and going into the hands of a receiver. If it was wrong to have made the settlement in lots which were heavily incumbered by a purchase-money mortgage, and which had an equitable value of about \$2,000, it was equally wrong for Mr. Palmer to traffic in those lots with a conviction in his mind that they were fraudulent. But some allowance must be made under the circumstances. Mr. Van Wyck had undertaken to establish a cemetery on these very grounds, as early as 1839, and had undertaken it in the plain old-fashioned way of non-inflation. His object was to make money legitimately, but he was behind the age and his enterprise fell flat.

When the matter was brought to Mr. Lester's notice, he saw with his quick perception and inventive mind that the idea was good; but that the ideas of the originators were too contracted; and with the usual boldness that characterized his conceptions and plans, he struck out on a broad and expansive scale. He enlisted in his support the press, and spread through its columns in labored articles on the subject, with rare ability. But there was a lack of means, or perhaps to do Mr. Lester justice, his associates were not up to his advanced thoughts, and his hopes were not equally shared by them. A cemetery was not a very inviting investment. To wait for an indefinite time for the return of capital, and some degree of uncertainty about its return at all, required even more than the weight of Mr. Lester's persuasive eloquence to inspire perfect confidence. So I say some considerable allowance must be made for natural errors and mishaps. To expect unexperienced men to engage in any undertaking and make no mistakes, and to deprive them of the exercise of any or all discretion, and to persecute them during their lives because they exercised their judgment in an ordinary business way, or even occasionally an extraordinary manner, would be to put a merchant in a legal straight-jacket. Every merchant would have to be lawyer as well as merchant. A fair margin of commercial license is an indispensable element thereto. I do not consider it manly or honorable to stigmatize the transactions of men, that occurred thirty years ago, who are dead and gone, as fraudulent; who, we may at least be charitable enough to suppose from their standing in society as honorable men, never contemplated a fraud. If we have no regard for the memory of the dead,

we may at least show a decent respect for the living. I may speak of one, who, from the active part he took in the organization of the cemetery, may not feel disposed to speak for himself, and that is Mr. Lester. Whatever interpretation may be put upon his connection with the bond transaction, I have reason to believe Mr. Lester's plans were never properly understood by those who volunteer to pass unfavorable comments upon them. He devoted his best talents to the success of the cemetery, and was in my humble opinion entitled to be well paid for what he did.

Mr. Palmer certainly should not become an accuser in the matter; he pressed the trustees for more salary than it could afford to pay; he got it ante-dated at \$3,000 a year; he got them to consent to allow him to purchase thirty acres of land to put in the cemetery for his own benefit; he purchased 400 lots in his wife's name; he bought and sold the very lots he pronounced fraudulent; he had his brother, his son and a number of relations in the employ of the cemetery; he seemed to be suffering under the delusion that the cemetery was created for his sole benefit, and that the trustees were a body of no sort of consequence. Their acts were for years disregarded, until their patience could hold out no longer; he seemed to imagine that by holding over their heads the threat of exposure, he intimidated them, when he well knew that the trustees never attempted to conceal their acts.

EXHIBIT H.

December 24.

SUPREME COURT — COUNTY OF KINGS.

The People of the State of New York
agst.
 The Cypress Hills Cemetery and others.

CITY OF
 County of } ss.:

William Miles, being duly sworn, says he is interested in the Cypress Hills Cemetery. That he is the owner of about 3,500 plots in said cemetery. That he acquired title to the same through various sources. That he received a certificate for 500 plots for moneys advanced by him, used by the cemetery in canceling bonds and in redeeming them from Chas. T. Cromwell to whom they were hypothecated for moneys used in paying off the farm mortgage on the cemetery grounds. That on or about the 7th of December, 1850, he loaned the cemetery \$1,500, for which he afterward took burial certificates for burial plots at \$15 to \$30 per lot, making 75 plots. That subsequently deponent loaned the cemetery \$5,000, and when its means failed for paying said loan deponent took plots therefor at from \$15 to \$25 a plot. That deponent at different times loaned said cemetery sums other than what is stated, and took lots therefor at \$25 apiece; don't recollect the exact amounts; think such subsequent loans amounted in all to at least \$5,000. Deponent bought of A. M. Wood about 200 plots at \$25 each. Mr. Wood purchased these lots at the

same price of the cemetery some two or three years before and paid cash therefor. That deponent bought burial plots of various other parties, but has no knowledge or recollection that any of said plots, except the 500 above first mentioned, had any connection with the liquidation of the original bonds of \$480,000. That during the year 1854, to give the cemetery a front on Myrtle avenue and Cooper avenue, sixty-four acres of land was purchased adjacent to the cemetery at a cost of some \$25,000. The purchase-money was paid by deponent, Edmund Driggs, William J. Pease and A. S. Jarvis in equal fourth part shares; one-half of said land was given to the cemetery, on condition that it would take the deed to the whole and give certificates to each party so contributing to the payment, of plots equal in surface to one-eighth part of the land so that one-half the land would come to the cemetery free for the use of its cemetery franchise; over the other half deponent received certificates for about 640 plots out of the purchase. That deponent has not offered his plots for sale, but has sold some but not enough to cover interest on his investments. The cemetery have a standing offer from deponent to the cemetery to sell them any of said plots at \$30 a piece below the market price on such sales, as deponent makes otherwise he allows the cemetery \$30 for care and expenses out of the purchase-money; there are some cases that are exceptions to this arrangement. Deponent verily believes that the interests vested in the management of said cemetery, instead of being detrimental thereto, has been largely beneficial to the corporation. That such interests have operated as inducements to the opening and building of the Cypress Hills plankroad from Williamsburgh; deponent has an interest in said road at a cost of principal and interest of some \$30,000 over and above all dividends received. That Edmund Driggs has a like interest in the amount of about \$7,000. That A. S. Jarvis has an interest of about \$12,000. That said road has paid no dividend for several years past. That in all the lots sold, belonging to private parties, there is a general rule to allow the cemetery \$30 out of the proceeds of lots so sold for general improvements.

WM. MILES.

Sworn to before me, this }
18th day of July, 1874. }

J. G. JENKINS, *Notary Public*.

OFFICE OF THE CYPRESS HILLS CEMETERY ASSOCIATION, }
BOWERY AND GRAND STREET, }
December 31, 1880. }

PRESENT—Mr. Wren.

Arguments were made by counsel.

Counselor JOHN M. STEARNS presented the following:

[Assem. Doc. No. 14.]

EXHIBIT A.

December 31, 1880.

IN THE MATTER OF THE CYPRESS HILLS CEMETERY INVESTIGATION.

As representing the existing management of this corporation, at the conclusion of this investigation, I have very little to add by way of review or summing up. We had expected that among the near six thousand plot-holders in the cemetery that at least 100 could be found who would have griefs to swear about before the committee; but outside of the persons who have moved this investigation, for purposes that have not appeared on the surface, not over three or four have been produced here as witnesses against us, and I have now in my recollection but two individuals, Mr. Kingsland, who I am informed testified in my absence that he bought a lot through Mr. Palmer, the then superintendent, and that excepting \$10 that went to Mr. Palmer as commissions, the purchase-money went to Mr. Van Alst, then a trustee, for the very good reason that Van Alst owned the plot sold. The plot-owner is a Mr. Church who bought one of the bond lots held by Skinner. That among the friends of the over 100,000 dead that lay buried in Cypress Hills Cemetery there should be found people dissatisfied any way was to have been expected. If these had come and rehearsed their griefs before this legislative committee, so we could cross-examine them as witnesses, and see if their complaints are reasonable, it might have been more satisfactory to us and the public; but they have not come, and if they have any griefs, their golden opportunity is gone. It may be due to myself to say that at the time the settlement was made of the suit brought by Mr. Britton in behalf of the attorney-general, in 1874, I had never been a trustee of the cemetery, though I am the oldest trustee now in office. I was employed as attorney to defend the suit, as I might have been in any other litigation. The action was of a chancery jurisdiction, and when the settlement was determined on, I believe I was acting the part of a faithful solicitor, in putting the adjustment in a form to make it an effectual settlement of all the matters and charges made by the complaint against the then trustees. There was no fraud, no collusion and no concealment about it; neither as to the plan or form of the settlement, nor of the amount of money paid to Britton as costs and counsel fees. Even young Palmer, who swore to the complaint as *quasi* relator, was consulted, as Britton swears, on the terms of the settlement and actually received \$500 of the costs paid to Britton, and actually instituted a suit against Britton for \$1,000 or \$2,000 more for his labors in copying our records for the purposes of the action. But Britton says, that in addition to the \$500, young Palmer got some \$250 in law services, as we have been told, in a divorce suit against his wife. But the *nature* of these services may not be in Britton's affidavit produced here. I did not pay the money to Mr. Britton, though I procured the discount of a note in raising part of it, and my check came back with Britton's indorsement for the amount I so raised. The note was not paid by me, at maturity, but by its maker, I believe after one or two renewals.

But afterward the settlement was found too effectual to suit young Palmer and his coadjutors, as is evidenced by the labored, pertinacious and persevering attempt to set the judgment aside, and the failure in such attempt. What young Palmer wanted was that the suit should

be simply discontinued, and then another suit could be instituted on these same charges. I claim considerable professional merit for having concluded the belligerent enemies of the cemetery in so making this settlement effectual as to all matters set out in the complaint; and I say to-day, that neither the supreme court nor the attorney-general can charge us effectually anew in those matters.

I was afterward appointed or elected trustee, and with the others subsequently appointed, our accusers before this committee condescend to tell us that their only charge against us is, that we have treated the acts of our predecessors as legitimate and proper, and have carried out and completed contracts made by them, which our accusers say were illegal and void. The certificates for plots to be conveyed, given on the cancelment of the old bonds, were precisely the same in form as similar certificates issued in a larger number, perhaps, to various parties for money considerations received by the cemetery. Of these bond certificates, 500 were issued to Mr. Driggs and 500 to Mr. Miles, for which \$6,500 were paid to Cromwell and applied to the liquidation of the first original mortgage on the cemetery grounds. And then one-third of these same lots was paid for over again, so for this thousand lots the cemetery actually received in money \$8,500 in cash, or about \$8.50 a plot. Of the other 7,000 bond lots, one-third was bought of the cemetery or sold to outside parties for six dollars each, which went in cash, or in cancelment of debt, to the credit of the cemetery in the aggregate amount of \$13,998. So that but 4,667 plots were distributed to old bondholders without specific consideration paid to the cemetery in money. All the other certificates of plots for resale, or calling for deeds, were issued for money borrowed or for debts actually owing by the cemetery. In the course of twenty-three years after these bond certificates were issued before the present trustees came into office, deeds had been issued on the surrender of certificates to a number in large proportion of the 4,667 bond lots proper issued. And the present trustees followed the custom of their predecessors in answering the written obligations of the cemetery embraced in these certificates in issuing deeds on their surrender and cancelment, without inquiring if any of them were valid or invalid. And when such question has been brought up for consideration, they have still doubted if these certificates issued by the proper officers of the corporation and under the corporate seal of the cemetery which had passed from hand to hand to innocent holders, who had paid specific money value for them, whether a court of equity would not enforce the specific performance of such a contract without regard to the precedent incidents of its creation. Besides, it was apparent from the records of the institution that the original \$480,000 worth of bonds created had operated as embryo forces to develop the institution into life. It might indeed have been conceived in sin and born in iniquity, like some of our active persecutors at the present hour. But the child was born, and it was no monster; and it was nurtured through more than a quarter of a century to the grave proprieties of its use and office, before any of the present trustees came into its management. It is patent, however, that service was rendered to the corporation by these bonds and the substituted grave plots. There were many of them used in the interest of the institution in payment for newspaper

puffs and long advertisements, and for scientific work and ornamentation at the grounds. Besides the special services rendered by the then trustees, had no other compensation or hope of compensation save what was expressed in these bonds. And the journals show they labored assiduously for eight or ten years to make the institution a success; \$78,000 was expended in the first four years of its existence, from 40 to 100 laborers were employed, public dinners were got up at great expense, and the institution became a center through C. Edwards Lester of the public literature of the day, and the light of solemn proprieties was shed around the abodes of the dead. And of all this those alleged fraudulent bonds were the inspiration and life.

But bad as they might have been, they were not worse than the watered stock of most of our railroads, exemplifying the story of the old deacon in the play who said to the servant, "John, have you sanded the sugar and watered the rum? then come into prayers."

But to return to our legal views that have induced us to issue deeds for certificates without inquiry as to their origin. In the case of the overissue of stock by the New Haven railroad beyond what was allowed by the charter, by Schuyler, the court held that no part of the stock issued on certificates in the regular and usual form could be held as fraudulent, but the face value of all the stock was reduced to bring all the stock issued within the amount limited by the charter or to this effect. I cannot say to what proportion the old bond certificates have been surrendered for deeds. But if any of them have been so surrendered, it would be manifestly unjust to withhold deeds from the others.

But to save ourselves from personal blame or liability, we have recently voted to refuse deeds on bond certificates and to have the antecedents of any certificates presented to be investigated by a committee of our board before a deed is issued thereon.

But while we take this course for our personal protection, we think the court, if a suit were brought, would compel us to issue the deed on each and all of these bond certificates. I submitted the question to Judge Nelson, if these certificates, having been made over twenty years ago, are not barred by the statute of limitations. In reply, he suggested as they were to be answered to on *demand*, the statute did not begin to run till the demand was made. I have still this doubt, if the law would not presume a demand in a reasonable time after the certificate was issued.

The financial and practical testimony of Mr. Runcie, as to the business interests of the institution, speaks for itself. It shows we are neither bankrupt nor going to the dogs, and still have vitality to stand our hand in this or any other fight.

While we are not prepared to question or deny the personal rights of any individual under the existing condition, it is right that we refer to inconveniences which have come to us through the practice of selling lots in the cemetery for resale, or otherwise than for use. The 7,500 plots now in private hands for resale have been less a competition with the cemetery during the last five years than formerly. It had been the custom to allow the agents and employees of the cemetery to show and sell these plots to applicants indiscriminately with those belonging to the cemetery, allowing the cemetery certain commissions

for the sale, if the lot sold happened to be held on a certificate. That practice has ceased. In some cases, as Mr. Miles testified, in case a plot of an individual were sold, another plot was taken in its place and the money paid went to the cemetery. But while Mr. Miles or Mr. Driggs did this, others did not, and we found the services of our employees and agents sometimes diverted in this matter from the true interests of the institution, as we judged. And the instructions now given to our employees on this point is to sell only the plots belonging to the corporation, leaving private owners to shift for themselves. They are not our patrons, neither are we their servants. For whatever has been the practice heretofore, it has been determined that only holders of plots under actual deeds have a right to vote for trustees along with the holders of bonds issued under the acts of 1875. The certificates being mere executory contracts to convey, the legal title to the plots still vesting in the corporation on which no vote can be allowed.

But competition in sales is among the least of our embarrassments arising from these certificates in private hands. Our experience for the last five years has shown us that we can stand that competition and control the patronage of the public. But the effect of these private plots scattered all through the grounds prevents any general improvement of the sections where these are located. Because if improvements are made by the corporation by construction of avenues and paths through these sections the expense must be borne by the corporation, while the lots of private individuals are made available for sale and use in competition with lots of the cemetery.

This was sought to be obviated by the tax law of 1877, on the principle of assessing lands benefited by the construction of streets for the expenses of the improvement. This equitable law has generally been resisted by the holders of large numbers of plots, and only paid from necessity as a condition of the transfer of lots by the corporation in giving deeds under the certificates. Recently Mr. Miles made a proposition that these certificate holders be allowed to open and construct paths and avenues at their own expense under our supervision, in the section of the grounds where most of these certificate plots are.

Though the proposition after the tax law seemed to imply a want of confidence in our executive ability, yet we good naturedly granted the permission. But nothing has yet been done. Had the tax laid been promptly paid, we should have had the means to have progressed if not completed these improvements long ago.

To illustrate our point, I repeat a statement in my first reply to the charges, which was omitted in the newspaper report, that recently the trustees considered the expediency of setting apart a section of the grounds where plots should be sold at a price within the means of the poorer classes of the community. We visited the grounds, found a section suited to our purposes containing some 350 plots. On going to the office and directing an examination as to the ownership of these plots, we found just nineteen, I think, belonging to the cemetery, all the others were held under certificates by private parties.

In our experience, we are satisfied that without the acquisition and control of all the lands subject to sale within the bounds of the ceme-

tery, the institution, though it may repeat the experience of the last thirty years, cannot be made a satisfactory success. To such success, harmony in its management and unity in interest are essential.

Whatever others may believe, the trustees do not believe these ends will be obtained by sequestering to the use of the corporation, without compensation, these private certificate titles. They seek what is just to all as well as what is practical in the premises. With these views, application was made to the legislature in 1875 for the creation of stock, to be exchanged for these private plot titles or sold and the money applied to their purchase, with a provision to condemn these certificate plots to the use of the cemetery, under a judicial commission to fix the compensation to be paid therefor, where the trustees and their holders could not otherwise agree. This bill met with opposition through Senator King, of Queens county, who claimed to be acting at the request of some of his constituents, and declined to entertain any discussion of the merits of the case. We think the senator on that occasion failed of enlarged and liberal views of his duty as a public man. The bond law was then passed with the *condemnation clause* left out, but virtually, as we think, validating all the outstanding certificates, which provision was literally set out in the first section of the bill to authorize the issue of stock. But there is in the bond law a provision against the issue of any new certificates or the sale of burial plots by the cemetery in said grounds, otherwise than for use. And the exchange of old certificates for new ones or the issue of new certificates has from that time ceased. But the bond law has been used but to a limited extent. Of the \$57,000 of indebtedness, \$24,000 is for plots purchased in from certificate holders, for which bonds have been issued, and \$11,000 more is for plots repurchased, for which notes running a long time are held, for which bonds may be substituted. The prices paid for these plots were from \$21 to \$30 each. The rest of the debt has come down from a former generation, venerable with the weight of years and the frosts of many winters.

If the *condemnation clause* were in the bond law, and under it all that pertains to the cemetery could at once be transferred to the trustees, I think we would have taken the risk of giving bonds for all these outstanding plots at prices not above our last purchase and discriminating in favor of a lower price for those where there are no improvements. But unless *all* these outside interests can at once be sequestered I do not believe in issuing more bonds for partial purchasers.

The bill for the issue of stock, and pooling under such stock the entire interest of the concern, is I verily believe the only effectual relief for the evils complained of. Such a bill will probably be framed and presented to the legislature during the coming session.

But one topic more will require our attention to complete our case, that is the much-discussed care fund. The history of this fund and the manner of its creation has been pretty well ventilated in the evidence taken. The sacredness of this fund has been dwelt upon as if it were the genuine gifts of widows and orphans; when, in fact, most of it has been set apart by the cemetery itself, out of receipts for lots sold for much less prices than they sell for now; without a care

certificate. The care certificate as it reads calls for spending the interest of \$20 or \$1,20 a year, while on every one of these plots, twice that amount is laid out from year to year. If the money had actually been paid to the cemetery in justice it would entail a loss of one to two dollars a plot every year. In the aggregate an expenditure of from one to two thousand dollars is imposed on the cemetery over and above any income out of the care fund. It has been a custom to issue a care fund certificate with the deed of a certificate plot, provided \$20 were paid to the cemetery. If the 7,500 certificate plots were all so conveyed with \$20 each paid to the institution, the expenses of keeping these plots in order above the income from this source would in a very few years bankrupt the institution. The statement furnished by Mr. Runcie as to the care fund demonstrates the correctness of such contingent result.

Experience has shown that the interest on \$100 is scarcely sufficient to pay for the proper care of one of these plots. A decedent buried in Greenwood directed \$100 to be set apart and paid over to that cemetery by her executor for the perpetual care of her grave plot. The executor has often offered to the trustees of Greenwood this sum as provided in the will, but they refuse to take a less sum than \$400 to assume the perpetual care of the plot in question; and the \$100 is still in the hands of the executor. My brother purchased a plot in Mount Auburn; the bill charged some \$300 for the plot and some \$150 for its perpetual care. The amount to be charged by us for a care fund certificate is now unsettled; I am not aware that any such certificate has been applied for, since the rule to grant them with deeds has been rescinded. But in this connection I must say, that whenever any care fund certificate has been issued by us or our predecessors the obligation it imposes on us has been strictly fulfilled at whatever loss, and will be hereafter, under whatever changes may transpire, while the present managers continue in office. But I cannot conclude these remarks without referring to the imprudent impertinence of our accusers who are not our creditors in any amount charging us with bankruptcy.

During all the thirty-two years since the institution was organized it has paid its debts 100 cents to the dollar, to the satisfaction of its creditors. If our accusers have done this we will not go behind such return in admitting their solvency. But without a dollar's interest at stake on the part of our accusers, we are wantonly and maliciously charged with bankruptcy by them, a charge which, if made against any solvent business house, would be the ground for an action for exemplary damages and subject to indictment as a crime. Whether this corporation has these common rights of citizenship for protecting its financial reputation and credit is a question I shall not discuss, for we have vindicated our responsibility before this committee and we cannot lift up our accusers from their obscurity to the notoriety they so much crave, so we leave their charges, as to which none but a creditor would have a standing in court or be privileged by the custom of trade, to die with them. Our mission toward the public is one of peace and sympathy; we owe to those with whom we deal and whom we serve the common courtesies of civilization, while at the same time it is our duty to drive away the ghouls that would prey upon the ashes of the dead. Let the dead rest in peace! And let the clamor and

turbulence of the world be subdued by the tender interests that center around the last resting place of man upon earth. Respect for the dead is a part of our civilization. I think I have vindicated this institution as it stands to-day, and shown a fidelity to its true interests in its present managers. The individuals of former boards charged have their counsel before you who will take care of their rights and their reputations. I have done.

NEW YORK SUPREME COURT—KINGS COUNTY.

Noyes G. Palmer
agst.
 The Cypress Hills Cemetery.

The complaint of the plaintiff respectfully shows to the court that the defendant is a corporation created and existing under and by virtue of the laws of the State of New York, to wit: "An act entitled an act authorizing the incorporation of rural cemetery associations, passed April 27, 1847," and the acts amendatory thereof and supplemental thereto, under the name of the Cypress Hills Cemetery.

That on or about the month of June, A. D. 1864, this plaintiff purchased, and said defendant for a good and valid consideration, to wit, the sum of ten thousand dollars, sold to this plaintiff four hundred cemetery lots in said Cypress Hills Cemetery; and said sale was reported by the officers of said cemetery to the board of trustees thereof; and said report was duly entered upon the minutes of said board of trustees, and was duly approved by said board.

That the lots sold this plaintiff were located in a certain section known as section 14 in said cemetery, and between lots numbered 1341 and 1805 in said section 14; that an avenue was at that time being made through the lots sold to this plaintiff, making a resurvey necessary and making it impossible for the defendant to give to this plaintiff deeds or certificates for all the lots bought by him at that time; that it was agreed between the defendant and this plaintiff that if there were not four hundred lots left for this plaintiff in that part of the cemetery covered by lots 1342 to 1805 both inclusive, in said section 14, this plaintiff might locate the balance at any time in any part of the cemetery not already located by other parties.

That the resurvey was not completed until about August, 1875; and said resurvey left for this plaintiff the following lots, which were accordingly located by him and entered in the books of the cemetery as belonging to this plaintiff, to wit: No. 1342, Nos. 1349 to 1419, 1429 to 1573, 1625 to 1644, 1658 to 1662, 1675 to 1686, 1692, 1696 to 1718, 1727, 1730 to 1739, 1741 to 1760, 1767 to 1769, 1771 to 1804, all inclusive, in said section 14. That said 346 lots, left after said avenue was made and the resurvey completed, were allotted to this plaintiff on account of the 400 sold him by defendant in June, 1864; and that besides these, this plaintiff is entitled to fifty-four lots in any part of the cemetery, as before mentioned.

That since the month of June, 1864, this plaintiff has sold about fifty of said lots in section 14 and elsewhere, and received deeds therefor, as ordered by this plaintiff.

That in payment for said 400 lots this plaintiff paid \$5,000 in cash, and for the balance of said purchase-price this plaintiff assumed and agreed to pay a certain mortgage upon a portion of the lands of said cemetery, said mortgage amounting to \$5,000; and this plaintiff has ever since, and for the twelve years last past, regularly paid the interest upon said mortgage; and that defendant is now paid in full for said 400 lots.

That on or about the month of November, 1875, this plaintiff demanded from said defendant certificates or deeds for 350 of said lots, or the balance due him and remaining unconveyed to this plaintiff, and that defendant refused, and still refuses, to execute and deliver to this plaintiff certificates or deeds for said lots, as defendant was in duty bound to do. That plaintiff is the lawful owner of said lots, and has suffered great loss by the neglect of defendant to comply with the terms of said sale.

This plaintiff, therefore, prays that said defendant be ordered to execute and deliver to this plaintiff good and sufficient deeds of said lots, and that this plaintiff have such other and further relief in the premises as to this court shall seem meet and proper, and this plaintiff will ever pray.

E. D. BENEDICT,
Plaintiff's Attorney.

STATE OF NEW YORK, } ss. :
County of Kings,

Noyes G. Palmer, being duly sworn, says he is the plaintiff in the above-entitled action; that he has heard the foregoing complaint read and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated on information and belief; and as to those matters he believes it to be true.

NOYES G. PALMER.

Sworn to before me, this 31st }
day of August, 1876. }

A. W. S. PROCTOR,
Notary Public, Kings County.

NEW YORK SUPREME COURT—KINGS COUNTY.

Noyes G. Palmer
agst.
The Cypress Hills Cemetery. }

The complaint of the plaintiff respectfully shows to the court:

First. That the defendant is a corporation created and existing under and by virtue of the laws of the State of New York, to wit: "An act entitled an act authorizing the incorporation of rural cemetery associations," passed April 27, 1847, and the acts amendatory thereof and supplemental thereto, under the name of the Cypress Hills Cemetery.

That the plaintiff is a civil engineer and surveyor, and that as such, on or about the 1st day of July, 1849, was employed by the defendant and entered upon the discharge of his duties and so remained up to and including the 30th day of April, 1864.

That subsequently, and on or about the 6th day of June, 1864, the defendant made and entered into an agreement in writing, and recorded upon the minute book of said defendant, with this plaintiff, of which the following is a copy:

"Extract from the minutes of meeting held June 6, 1864:

"MEMBERS PRESENT—Messrs. E. Driggs, president; Wm. Miles, treasurer; W. J. Pease, J. D. Van Alst.

"Mr. Driggs stated that he had a conversation with Mr. N. G. Palmer, late superintendent of the cemetery, about resuming his former position as superintendent and surveyor, that he (Mr. Palmer) had offered on certain conditions to return. Among those conditions were the following: he was to be paid a salary of twelve hundred dollars a year and a commission of ten dollars per lot on all the lots sold for the cemetery, and to be permitted the privilege of receiving a commission of ten dollars on any lots sold for such outside owners of lots as should come into the arrangement to pay to the cemetery thirty dollars on each lot, according to Mr. Miles' plan; also the privilege of purchasing twenty acres of land and placing the same in the cemetery, he (Mr. Palmer) paying the purchase-money for said land and to have all the lots that can be surveyed out of said land, as a just equivalent for his services to the cemetery since his connection with it; but for which, in consequence of its inability to pay him a proper compensation for those services, he had refrained from making a demand at the time."

Also July 20, 1864:

"MEMBERS PRESENT—E. Driggs, president; Wm. Miles, treasurer; W. J. Pease, J. I. Van Alst.

"On motion, resolved, the proposition made by N. G. Palmer as recorded in the minutes of the last meeting was unanimously agreed to.

WM. EDWARDS, *Secretary.*"

That subsequently and at various times after the making of said agreement it was further agreed by and between plaintiff and defendant that this plaintiff should have twenty years in which to claim the said privilege. That in pursuance of such agreement, plaintiff purchased a large tract of land and claimed and demanded his said privilege. That defendant has refused to permit this plaintiff to place said land in said cemetery as agreed, and refused to permit this plaintiff to avail himself of the said privilege, and has refused and still refuses to and still refuses to carry out all or any of the terms of said agreement to the damage of this plaintiff in the just and full sum of three hundred thousand dollars.

Therefore, plaintiff demands judgment against said defendant for said sum of three hundred thousand dollars with interest thereon from the 20th day of October, 1875, besides the costs of this action.

E. D. BENEDICT,

Plaintiff's Attorney, 145 Broadway, N. Y. City.

STATE OF NEW YORK, }
County of Kings, } ss. :

Noyes G. Palmer, being duly sworn, says he is the plaintiff in the above-entitled action; that he has heard the foregoing complaint read and knows the contents thereof and that the same is true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true.

NOYES G. PALMER.

Sworn to before me, this 25th }
 day of August, 1876. }

A. W. S. PROCTOR,
Notary Public, Kings County.

N. Y. SUPREME COURT — KINGS COUNTY.

Noyes G. Palmer
aget.
 The Cypress Hills Cemetery.

The complaint of the plaintiff respectfully shows to the court:

First. That the defendant is a corporation created and existing under and by virtue of the laws of the State of New York, to wit: "An act entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847, and the acts amendatory thereof and supplemental thereto, under the name of the Cypress Hills Cemetery."

That the plaintiff is a civil engineer and surveyor, and that on or about the 1st day of July, 1864, said defendant made and entered into a certain contract or agreement with this plaintiff whereby said defendant hired and employed this plaintiff as superintendent and surveyor of said cemetery, by the year, at and for the yearly salary of three thousand dollars per annum; the interest of which, said contract, was explained, admitted and entered upon the minutes of the board of trustees of said cemetery about July, 1873.

That in pursuance of such agreement, this plaintiff entered upon the discharge of his duties, as such superintendent and surveyor, and so continued in the employ of said defendant, as aforesaid, continuously and without interruption up to and including the 16th day of November, 1875; and that at this date there was due from said defendant to this plaintiff on account of salary the sum of seven hundred and seventy-eight dollars and fifty-one cents.

Second. That although this plaintiff was ready and willing to complete the year for which he was engaged as superintendent and surveyor, to wit: ending June 30, 1876 and has ever since and up to the expiration of said year been ready and willing, and has repeatedly duly offered to perform all the conditions of said agreement upon his part, said defendant refused to allow him so to do, or to pay him therefor to the damage of this plaintiff of one thousand five hundred and twenty-five dollars.

That plaintiff has demanded payment of said several sums, but that

defendant has neglected and refused to pay the same, or any part thereof, and the same remains wholly due and unpaid.

Whereupon plaintiff demands judgment against the defendant for the sum of seven hundred and seventy-eight dollars and fifty-one cents with interest thereon from the 16th day of November, 1875; and for the further sum of fifteen hundred and twenty-five dollars with interest thereon from the 1st day July, 1876, besides the costs of this action.

E. D. BENEDICT,

Plaintiff's Attorney, 145 Broadway, N. Y. City.

STATE OF NEW YORK }
County of Kings. } ss.:

Noyes G. Palmer, being duly sworn, says he is the plaintiff in the above-entitled action; that he has heard the foregoing complaint read and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true.

NOYES G. PALMER.

Sworn to before me, this 16th }
day of August, 1876. }

A. W. S. PROCTOR,

Notary Public, Kings Co., N. Y.

SUPREME COURT — COUNTY OF KINGS.

Noyes G. Palmer
agst.
The Cypress Hills Cemetery. }

The reply of the plaintiff to the answer of the defendant The Cypress Hills Cemetery herein shows to the court:

As to the new matter contained in defendant's answer setting up a counter-claim, plaintiff denies each and every allegation of the answer repeating the same.

E. D. BENEDICT, *Plaintiff's Attorney.*

STATE OF NEW YORK, }
County of Kings, } ss.:

Noyes G. Palmer, the plaintiff in the above-entitled action, being duly sworn, says that the foregoing reply is true to his own knowledge except as to the matters therein stated upon information and belief, and as to those matters he believes it to be true.

NOYES G. PALMER.

Sworn to before me, this 9th }
day of October, 1876. }

W. WATSON, *Notary Public, Kings County.*

SUPREME COURT—COUNTY OF KINGS.

Noyes G. Palmer

agst.

The Cypress Hills Cemetery.

The defendant, the Cypress Hills Cemetery, by John M. Stearns, its attorney, answering the plaintiff's complaint, denies each and every allegation in the complaint contained except as is hereinafter specially admitted.

The defendant, further answering, admits that the defendant is a corporation as set forth in the complaint.

The defendant, further answering, denies the hiring of the plaintiff in 1864 at \$3,000 a year, or that such hiring was by the year or otherwise than during the pleasure of the trustees of the defendant. That the action of the board in the premises appears by the following extract from the minutes of said trustees, and that no other hiring or employment of the plaintiff by the defendant ever took place subsequent to that date up to August 26, 1873, to wit: Extracts from minutes.

"At a regular meeting of the trustees held June 6, 1864. PRESENT—Messrs. Driggs, Miles, Pease and J. J. Van Alst." * * *

"Mr. Driggs stated that he has had a conversation with Mr. N. G. Palmer, late superintendent of the cemetery, about resuming his former position as superintendent and surveyor. That he (Mr. Palmer) had offered on certain conditions to return. Among those conditions were the following: He was to be paid a salary of twelve hundred dollars a year and a commission of ten dollars per lot on all the lots sold for the cemetery, and to be permitted the privilege of receiving a commission of ten dollars on any lots sold for such outside owners as should come into the arrangement to pay to the cemetery \$30 on each lot, according to Mr. Miles' plan. Also the privilege of purchasing 20 acres of land and placing the same in the cemetery he (Mr. Palmer) paying the purchase-money for said land as a just equivalent for his services to the cemetery since his connection with it, but for which, in consequence of its inability to pay him a proper compensation for those services, he had refrained from making a demand at the time. Without any formal expression in relation to the proposition made by Mr. Palmer the matter was laid over for consideration, pp. 422 and 453."

"Special meeting held July 20, 1864. PRESENT—* * * Driggs, Miles, Pease and Van Alst. The proposition made by N. G. Palmer, as recorded in the minutes of the last meeting, was on motion unanimously agreed to."

And it is further shown, that the trustees of the defendant had no right to employ agents, superintendents or subordinates excepting during the pleasure of the board of trustees, as the membership of said board is perpetually changing and the binding of successors in the trust by long and specified terms of employment of subordinates is against the policy of the law and going to impair the franchises of the corporation. That the plaintiff in this action was only employed during the pleasure of the trustees. That the nature and character of his office as superintendent was a fiduciary trust that could only be operative by the acts of the trustees. The office is by appointment and

not a result of a hiring and fixing of salary; and the incumbent is subject to removal by the power appointing him at its pleasure, without cause shown or charges made.

But the defendant, in further answering, charges that the plaintiff was grossly negligent in his duties as superintendent of said Cypress Hills Cemetery, under specifications as follows, to wit:

First. That he spent most of his time in his own private business, attending at the office at the grounds not usually more than two or three hours in a day.

Second. That he often devoted himself to the sale of lots of private parties for commission, received by himself and not accounted for, and other like acts, to the prejudice of the interests of the cemetery.

Third. That he refused and neglected to pay over moneys to the treasurer, when ordered so to do by the trustees, retaining and disbursing such moneys as he pleased or applying it to his own use for salary or otherwise.

Fourth. That he failed to study and promote the interests of the corporation as he was in duty bound to do as superintendent of the cemetery.

And it is shown that, for these neglects and malfeasance in office, his removal from the superintendency of the cemetery became a necessity in the judgment of the trustees, and he was so removed on or about the 16th day of November, 1875, by resolution of the trustees passed on that day, and duly served on the said Palmer on the 18th day of November, 1875.

And this defendant denies that he was thereafter entitled to salary as claimed in the complaint, and alleges that all prior salary to that date has been fully paid as the same was fixed and determined at a meeting of the trustees of the defendant, held August 26th, 1873, in the following minutes:

“PRESENT—Messrs. Driggs, Miles, Pease, Riblet, and Palmer.

“Whereas, It was understood that the arrangement made with the superintendent about July 1st, 1864, would make his salary (\$3,000) three thousand dollars per annum from that date; and

Whereas, The \$1,200 per annum and commissions on sales have not equaled the expected sum thereof,

Resolved, That the committee, in settling with Mr. Palmer, supt., will make good to him the salary of \$3,000 per annum, from July 1st, 1864. It is also understood that this arrangement is to supersede the agreement respecting his salary in minutes dated July 6th, should be June 6, 1864.”

Though the authority of the trustees is denied in this answer, to make any retrospective increase of salary of their employees or superintendent as an improvident disposition of the money and effects of the corporation, yet, in answer to the plaintiff's complaint, the defendant alleges that the principal of \$3,000 a year was fully paid to the plaintiff up to the time of his removal as superintendent. The defendant denying the plaintiff's right to said retrospective increase of salary or interest on such gift, as it was not his of right. And the defendant alleges that the granting of such retrospective increase of salary, by the vote of the plaintiff with the other trustees, was a corrupt, illegal use of the property of the defendant; that the

moneys paid on such increase amounted to \$10,000, which the plaintiff is bound to restore to the defendant, and the defendant herein claims judgment therefor against the plaintiff.

And the defendant alleges that the plaintiff received from time to time more than his salary as it accrued as well as the money so illegally paid as aforesaid. And it is shown that by a statement of the defendant's account with the plaintiff hereto annexed as a part of this answer, the balance of which, \$2,419.35, added to the increase of back salary of \$10,000, the defendant sets up by way of offset and counter-claim, and it appears that the plaintiff is indebted to the defendant in the amount of twelve thousand four hundred and nineteen dollars and thirty-five cents (\$12,419.35), for which sum the defendant claims judgment against the plaintiff, with costs.

JOHN M. STEARNS,

Plaintiff's Attorney, 140 Fourth street, Williamsburgh, N. Y.

CITY OF BROOKLYN, }
County of Kings, } ss.:

Edmund Driggs, the president of the Cypress Hills Cemetery, being duly sworn, says the foregoing answer is true of his own knowledge except as to the matters therein stated on information and belief, and as to those matters he believes them to be true.

EDMUND DRIGGS, *President.*

Sworn to before me, this 28th }
September, 1876. }

J. MILTON STEARNS, Jr.,

Notary Public.

COPY OF STATEMENT.

1875.

Sept. 1.	N. G. Palmer has received from July 1, 1864, to date, as per statement.....	\$34,210 44
	N. G. Palmer has retained from money collected for cemetery to date.....	417 00

Total amount of cash paid Palmer from July 1, 1864, to November 1, 1875.....	\$34,627 44
---	-------------

Nov. 1.	Salary of Mr. Palmer at \$3,000 a year from July 1, 1864, to date, eleven years and four months,	34,000 00
	Mr. Palmer has been overpaid.....	627 44

1872.

April 2.	N. G. Palmer note payable four months after date.....	\$2,000 00
	Interest on the above three years and three months to November 2.....	455 00
April 14.	N. G. Palmer note payable three months after date for.....	3,000 00
	Interest on the above two years three months and sixteen days.....	481 70

1873.		
April 14.	N. G. Palmer note for interest.....	\$161 00
	Interest on the above two years, three months and sixteen days.....	25 69
		<hr/> \$6,749 84
1875.		
March 8.	Omitted in the statement of Mr. Palmer's ac- count.....	778 66
	Less credited for interest paid by him to the Williamsburgh Savings Bank, per account of 200 plots.....	5,309 15
		<hr/> <hr/>

SUPREME COURT — COUNTY OF KINGS.

Noyes G. Palmer	}
<i>agst.</i>	
The Cypress Hills Cemetery.	

The defendant, by John M. Stearns, its attorney, answering the complaint for relief in this action, shows to the court that the defendant denies each and every allegation in the complaint except as is herein specially admitted. The defendant admits to being a corporation as alleged in the complaint.

The defendant admits an agreement for the sale of four hundred plots to the plaintiff in the section or quarter stated in the complaint for the consideration of ten thousand dollars, but denies that the same were paid for so as to entitle the plaintiff to certificates or deeds therefor; the defendant admits the payment by the plaintiff toward said purchase-money of five thousand dollars, and that the plaintiff also undertook to pay off a certain mortgage held by the Williamsburgh Savings Bank, in the amount of five thousand dollars and the interest to accrue thereon; that a time afterward the plaintiff borrowed moneys of the defendant in an amount of more than five thousand dollars on the faith and pledge of these plots in the hands of the defendant, which loans have never yet been paid by the plaintiff except as hereinafter stated, a statement of the accounts of the defendant being hereto annexed marked "A" as a part of this answer; that said burial plots have been retained in pledge by the cemetery as security for the fulfillment of the plaintiff's obligations; that no certificates or deeds have been issued for said plots except for fifty plots sold by him for use to other parties that have been conveyed as stated in the complaint; that on or about the day of , 1875, the trustees of the defendant received a written communication from the plaintiff, a copy of which is hereto annexed marked "B," as a part of this answer; that the following is a copy of the action taken by the trustees of the defendant upon said communication.

Meeting held April 14th, 1876:

PRESENT — Messrs. Driggs, Wyckoff Miles, Stearns and Runcie.

Resolved, That Mr. Palmer offer to surrender to the cemetery 200 plots, on being allowed the interest he has paid to the Williamsburgh

Savings Bank, with interest thereon compounded every six months, be accepted, and the amount as proposed be allowed him on settlement, such amount being \$5,309.15.

That the credit of said amount as claimed — \$5,309.15, appears in the statement A, plaintiff's accounts, hereto annexed.

And it is further shown that the allegation of the complaint, that the opening of an avenue through the plots located by the plaintiff, in anticipation of the completion of his purchase by the defendant, is wholly false and untrue. That, on the contrary, such avenue was laid out by the plaintiff without the knowledge, cognizance or authorization of the trustees of the defendant; that such work was undertaken and prosecuted by the plaintiff, after the location of said plots, to promote their sale, in a corrupt violation of his duty as superintendent, by diverting the labor and resources furnished by the defendant for the general care and improvement of the grounds to his own private use and benefit. That when it was discovered that he was so applying the resources of the defendant, the work was forbidden by the defendant and thereupon suspended. That the resurvey so undertaken by the plaintiff without authority blotted out 114 plots of his located purchase, and the defendant denies that any recognition of said resurvey was given by the trustees, or any promise or privilege was ever given by the defendant to the plaintiff to locate lots elsewhere for the 114 lots so absorbed in the said avenue in said resurvey, or that the defendant is in anywise liable therefor.

That deducting said fifty lots sold by the plaintiff and conveyed by the defendant and 200 lots surrendered to the cemetery as aforesaid, the plaintiff would be, under the terms of the arrangement aforesaid, on the liquidation and payment of his indebtedness to the defendant, entitled to certificates or deeds, as he may direct, for 150 lots, of which 114 will be located within the site of the avenue he wrongfully laid out as aforesaid and thirty-six lots outside of said avenue.

That until the liquidation of the plaintiff's indebtedness to the defendant in the amount of \$2,419.35 and interest, as appears in the balance of the account stated in schedule "A," hereto annexed, this defendant rightfully holds said plots in pledge for such indebtedness. That on the doing of such equity this defendant is ready to convey, as the plaintiff may request, all such plots as he has not sold or surrendered of such agreement to purchase.

That until the plaintiff shall answer such equity in behalf of the defendant, this action cannot be maintained, for, that on the completion of such equities, the defendant is and at all times has been ready to convey said lots to the plaintiff, or on his order.

Wherefore, the defendant demands that the complaint be dismissed, and that the defendant may be awarded its proper costs.

JOHN M. STEARNS,
Defendant's Attorney.

CITY OF BROOKLYN, } ss. :
County of Kings, }

Edmund Driggs, being duly sworn, says he is president of the Cypress Hills Cemetery; that the foregoing answer is true of his own

knowledge, except the matters therein stated on his information and belief; and as to those parts he believes them to be true.

EDMUND DRIGGS,

President.

Sworn to before me, this 28th }
day of September, 1876. }

J. MILTON STEARNS, JR.,

Notary Public.

COPY OF STATEMENT.

1875.			
Sept.	1.	N. G. Palmer has received from July 1, 1864, to date, as per statement	\$34,210 44
		N. G. Palmer has retained from money collected for cemetery to date	417 00
		Total and of cash paid Palmer from July 1, 1864, to November 1, 1875.....	\$34,627 44
Nov.	1.	Salary of Mr. Palmer from July 1, 1864, to date, 11 years and 4 months, at \$3,000...	34,000 00
		Mr. Palmer has been overpaid.....	\$627 44
1872.			
April	2.	N. G. Palmer, note payable four months after date, for	2,000 00
		Interest on the above, 3 years and 3 months, to November 2.....	455 00
	14.	N. G. Palmer, note payable 3 months after date, for.....	3,000 00
		Interest on the above, 2 years, 3 months and 16 days	481 70
1873.			
April	14.	N. G. Palmer, note for interest	160 00
		Interest on the above, 2 years, 3 months and 16 days	25 69
			\$6,749 84
1875.			
March	8.	Omitted in the statement of Mr. Palmer's account.....	778 66
		Due by Mr. Palmer.....	\$7,528 50
		Add.....	200 00
			\$7,728 50
		Less credited for interest paid by him to the Williamsburgh Savings Bank, per account,	5,309 15
		Of 200 plots surrendered, leaving balance due cemetery.....	\$2,419 35

"B."

(Copy.)

No. 124 BOWERY, NEW YORK, }
June 28, 1875.

Hon. E. DRIGGS:

DEAR SIR— At the time I bought 400 lots in 1864, I assumed in part payment of the purchase-money that \$5,000 mortgage in the W. S. bank. *The resurvey and making new avenues* in the part of section 14 where my lots were located and a few lots were located by you at the same time, leave only about 350 lots for me. What I fell short in section 14, I was entitled to select from other parts of the cemetery; I have selected 398 in section 6 as one of my lots, having had an opportunity to trade it for pictures.

Considering our efforts to get the cemetery into a better financial condition and to repurchase lots, if the cemetery will relieve me from that mortgage and repay me the interest upon the several sums compounded from the time of payment to date, I will relinquish to the cemetery 200 lots.

The interest I have paid calculated for 10½ or 11 years is about \$5,665. If we make a loan for these purchases, as I think we can at any time, I want to get cash on the 200 lots; I need about half the above amount within thirty days, the balance may wait.

If we cannot conclude to trade so as to get money for me to meet a note I had to give to Gen. Cook, which is due next month, I will have to borrow again.

The General charges me \$1,000, which is an outrageous fee, but I agreed to pay it rather than stand a lawsuit. I shall never employ him again, and I hope my friends never will.

Truly yours,

N. G. PALMER.

SUPREME COURT.

Noyes G. Palmer

agst.

The Cypress Hills Cemetery.

The defendant answers the complaint in this action as follows:

I. Defendant denies each and every allegation in said complaint contained, except as hereinafter expressly admitted.

II. Defendant admits that it is a corporation created and existing as stated and alleged in said complaint.

III. Defendant admits that from some time in the year 1849 down to April 30, 1864, plaintiff was in the employ of the defendant as civil engineer and otherwise, but defendant alleges that all services done, performed, bestowed and rendered by plaintiff for said defendant was for a fixed and stipulated compensation, agreed upon by and between said plaintiff and said defendant, which compensation was duly paid by defendant and by plaintiff received in full payment and

satisfaction of all claims and demands of plaintiff, for all work, labor and service performed by plaintiff for defendant prior to and including the 30th day of April, 1864.

IV. Defendant denies that it on the 6th day of June, 1864, entered into any written contract with plaintiff, as stated and alleged in said complaint, but defendant admits that the recitals from the minutes of the trustees of said defendant for June 6, 1864, and July 20, 1864, in said complaint set forth, are extracts from such minutes, and defendant denies that such minutes constitute a valid contract between the parties to this action, and defendant states and alleges on information and belief that plaintiff never, in writing, assented to such action of the trustees of said defendant, or signed or subscribed any obligation to accept such action of the trustees or to render any service or consideration therefor or thereunder.

V. Defendant states and alleges that the resolution of the trustees of said defendant a copy of which is set out in said complaint, was not within the scope of their legal authority; that said trustees and this defendant had authority only to accept the donation or grant of lands for cemetery purposes when fully paid for, on condition that one-half of the proceeds of plots sold should be retained by the cemetery and the other half should be paid over to the person who might grant such lands, without other compensation.

That such resolution and proposed action was without any valuable consideration received by the defendant or contributed by the plaintiff, and the trustees had no legal power or authority to impair or donate the franchises of the corporation without a corresponding benefit to be realized to the corporation and in such case only within the terms allowed by law. And defendant claims and alleges that said resolution and the arrangement thereby proposed to be made was and is null and void.

VI. Defendant denies that at any time after the passing of said resolution recited and set forth in the complaint it was agreed by or between the plaintiff and defendant that the plaintiff should have twenty years in which to claim said alleged privilege.

That so far from fixing any time in which to allow the plaintiff to put twenty acres of land into the cemetery the only action had was that recited in the extract from the minutes in the complaint and the following resolution adopted by the board of trustees on the 26th day of August 1873, in the words and figures following, to wit:

PRESENT—Messrs. Driggs, Miles, Pease, Riblet and Palmer.

"Whereas it was understood that the arrangement made with the superintendent about July 1, 1864, would make his salary \$3,000 (three thousand dollars) per annum from that date; and

"Whereas, the twelve hundred dollars per annum and commissions on sales have not equaled the expected sum; therefore

"Resolved, that the committee in settling with Mr. Palmer, superintendent, will make good to him the salary of three thousand dollars per annum from July 1, 1864. It is also understood that this arrangement is to supersede the agreement respecting his salary in minutes dated July 6th (should be June 6th), 1864, and July 20th, 1864."

That Noyes G. Palmer, the said plaintiff, was then a member of said board of trustees and present and voted for said preamble and resolution.

That plaintiff accepted the terms of said resolution and rendered statements to defendant of his accounts and claimed salary at the rate of three thousand dollars a year for the eleven preceding years.

That a full and complete compromise and settlement of all claims and demands of the plaintiff against the defendant was made by the terms of said preamble and resolution, and that plaintiff's salary from and after July 1, 1864, at three thousand dollars a year, has been fully paid and satisfied, to the time plaintiff was removed from the position of superintendent and ceased to be in the service or employ of defendant, and such sum thus accepted and received by said plaintiff.

And defendant states and alleges that the rights and privilege claimed and alleged in the complaint in this action was fully canceled, satisfied, released and revoked by the acceptance of said terms of settlement and the receipt by the plaintiff of the money so voted, but this defendant states and alleges that the retrospective salary so voted was illegal and void, such trustees having no right or authority thus to dispose of the money of this defendant.

VII. Defendant denies that the plaintiff ever had any lands free from incumbrance and in a condition to put into the cemetery, or that he ever owned any lands at all contiguous to the cemetery, or that he ever offered to buy any such land, pay for the same, or to put the same into the cemetery.

VIII. That the said alleged agreement set forth in the complaint herein and all right of plaintiff to recover thereon by said plaintiff is barred by the statute of limitations. That said alleged cause of action did not, nor did any part thereof, arise or accrue within six years next before the commencement of this action.

Wherefore defendant demands judgment that plaintiff's complaint be dismissed and that this defendant recover the costs of this action.

JOHN M. STEARNS, *Defendant's Attorney.*

CITY OF BROOKLYN, }
County of Kings, } ss.:

Edmund Driggs, being duly sworn, says that he is the president of the board of trustees of the Cypress Hills Cemetery, that he has heard read the foregoing answer and knows the contents thereof, and that the same is true of his own knowledge, except such matters as are therein stated on information and belief, and as to those matters he believes it to be true.

EDMUND DRIGGS.

Sworn this 4th day of No- }
vember, 1876, before me. }

J. G. JENKINS, *Notary Public, Kings County, N. Y.*

Counselor COOKE made a verbal argument as against the cemetery, and agreed to submit a brief.

Counselor WAKEMAN made a verbal argument for the corporation, and agreed to submit a brief.

EXHIBIT C.

December 31st, 1880.

Mr. Miles' additional statement in relation to Mr. Jarvis.

(This exhibit was never forwarded to the committee by Mr. Miles, it having been agreed that said Miles should be allowed so to have his affidavit recorded.)

EXHIBIT D.

December 31st, 1880.

Mr. Cromwell's statement.

Before the Hon. Legislative Committee
of the State of New York in Investi-
gation of the affairs

of
The Cypress Hills Cemetery.

CITY AND COUNTY OF NEW YORK, ss.:

Charles T. Cromwell, of Manasing Island, Rye, Westchester county, counselor at law, being 'duly affirmed, saith, that I am now bordering on the confines of 73 years of age, and I further say that I came into this association after it was organized and in operation, on the urgent request of Caleb S. Woodhull, then mayor of New York city, C. Edward Lester, Mr. Van Wyck and Luther R. Marsh, they representing that the cemetery was in debt and short of money, with an incumbrance by mortgage of about \$10,000 upon its then only property. I was asked and went out to look at the cemetery property and, did so; and I remember well of partaking of the invited hospitality at Snediker's, then a famous place of resort for public dinners, after such examination.

At that period the interments from this city, from fear of contagion, was exciting the public strongly against inter-mural interments. I, myself, with Mr. Marsh, who manifested a deep interest in the question, went to a church in Sixth avenue, and there saw what excited my interest against city interments, and in favor of rural cemeteries to an extraordinary degree.

I saw there the disgusting, dangerous and contagious, and indifference to this important subject of the burial of the dead, to wit: the slimy, terribly disgusting liquid ooze actually running out from the dead bodies there interred. I consulted the gentleman above named and we all came to the conclusion to arouse public attention to the necessity of preventing epidemics that might at any moment widely spread disease and death throughout thickly populated cities like New York and Brooklyn.

I then determined to do what I could to the promotion and success of the important work, commenced by the above gentlemen and their associates in establishing this cemetery. The first thing of greatest importance was to extricate the association from the heavy burden of

its debt incurred in its organization and establishment, and especially from the mortgage that prevented sales of lots from being made. Finding that there was no money in the treasury and the inability of the association to raise any, and that the receipts of the cemetery were so small from all sources that it did not pay its current running expenses, I consented in order to free the lots from incumbrance to take, and did take and purchase an assignment of the mortgage, then about \$10,000, with the view of releasing from the mortgage its lien upon lots as they were sold, and receiving the proceeds and applying them upon the mortgage.

The statute of 1847 restricted the application to one-half of the proceeds of sales to the payment of the purchase-money of the land and I found that still the receipts were so small that the cemetery was left struggling with the weight of debt. I therefore bent my attention to getting other capitalists in, to aid in clearing off its debt, and to pay off what remained, to wit: the greater part of the mortgage. I saw that it would take years in the way it was going on to pay off the mortgage and free the cemetery from debt, which was not agreeable to my financial views. And it appeared to me that I might not get my pay in many years by this slow process, unless by foreclosure, which I would not do. I wanted my friend, Mr. Wm. Miles, influenced by his reputation for business talent, and he having ready capital, to take an interest in the affairs and progress of the cemetery. Mr. Miles expressed high approbation of the object of the institution and consented to come in and take an interest in the affairs.

The cemetery had issued before I came in a large amount, some \$180,000 of bonds, expressed in the bonds as purchase-money bonds for land payable out of one-half of the proceeds of sales of lots; these bonds had no definite value and were unsalable. They were, however, not without value. Mr. Miles purchased some of these bonds and took his chance of payment out of the half proceeds, more with a view, as I then thought, and still think, of promoting the object of the cemetery than of a profitable adventure.

Mr. Miles immediately took a very active interest in the affairs of the cemetery; the money that he and Mr. Driggs brought, and who shortly after came in, had extinguished the mortgage. They advanced moneys for the benefit of the cemetery to large amounts; they within my knowledge procured notes to be discounted at banks for years, for the benefit and accommodation of the cemetery. They built a plankroad from Brooklyn to the cemetery gates, at a very heavy outlay and great loss. I am informed and believe that Mr. Miles' loss in that plankroad was \$20,000, which now would amount with interest to \$60,000. He took stock also, I am informed and believe, in the Myrtle avenue plank or macadamized road, when it was first contracted, leading from Brooklyn to the cemetery gate, for the cemetery's benefit, by which he sunk about \$4,000, without computing interest. I left the cemetery not a great while after Mr. Miles and Mr. Driggs came in, though I believe I remained a trustee for a year or two from that time. Before I left it became absolutely necessary that these \$480,000 of bonds should in some way be settled or extinguished. There were many of those bonds outstanding that had been neglected. Some had been given to the press, to various papers, and some were in the hands

of Van Wyck as a part of the consideration for the land he had sold the cemetery; and Starkweather had one bond of \$5,000, given, as I understood, for a patent for a peculiar kind of burial cases. The original trustees claimed a right to hold those bonds for a large amount of services and outlay in organizing, originating and starting the cemetery. To have paid those bonds out of one-half the proceeds of the sales of the cemetery lots would have been simply an impossibility. The question then arose, how should they be got out of the way and disposed of? There being no money in the treasury and the cemetery owing a large amount of borrowed money, it was proposed to give cemetery lots at a correspondingly large price in exchange for the bonds, the trustees, several of them, among them Mr. Miles and Driggs, agreeing to release the cemetery from all claims for moneys advanced and services performed by them. This proposition was finally carried out in this way: The cemetery purchased about eighty acres of land adjoining the Van Wyck purchase, principally sterile, hilly land and of little value for agricultural purposes. This land the cemetery agreed to give \$10,000 for, and paid about \$2,000 only on the purchase, and, as near as I recollect, leaving a mortgage of \$8,000 upon the eighty acres. This eighty acres was to be mapped out into lots and the lots were to be given to the holders of the bonds for their return to the cemetery and their cancelment. I did not consider the lots at the time worth any thing, taking into consideration the mortgage that existed upon them, and thus this proposition was carried into effect, and all the bonds were returned except one of \$2,500, which belonged to Starkweather, being one-half of the bond of \$5,000, above spoken of. The cemetery was sued on the bond in 1859 by Samuel B. Campbell, the executor of Starkweather, Douglas Campbell appearing and acting as plaintiff's attorney. Campbell was defeated before Henry Nicoll, the referee, and appealed to the supreme court, general term, and the general term set aside the report of the referee. The court of appeals reversed the judgment of the supreme court. I may here state that although Campbell was defeated before the referee and in the court of appeals, there was a strong equity in favor of the plaintiff which Campbell failed to prove and take advantage of. I believe and it was asserted that the consideration given by Starkweather for the bond then in suit consisted, as before stated, of a patent for metallic coffins, which consideration was not proved nor offered to be proved by Campbell, which I, as counsel for the cemetery, looked upon as an important omission on the part of Campbell. The costs of this suit to the court of appeals were paid by Douglas Campbell as attorney for Samuel B. Campbell, for about \$900.

Not long after, a suit was commenced by Judge Hilton and Douglas Campbell, as attorneys for Samuel B. Campbell or the heirs of Starkweather, against the trustees of the cemetery, to enjoin the cemetery from any sale of its lots, and for a receiver according to my best recollection.

On their being served with a copy of the complaint and a notice of motion for a receiver, a meeting of the trustees was called at which Mr. Marsh and myself attended, at the request of the trustees, to consult as to what action it was best to take. It was found that in the opinion of all, although there was an equitable phase of the suit, yet

a successful defense, it was thought, could have been made, but such defense, it was concluded, would be a greater injury to the cemetery than a successful defense would be a benefit. The then trustees at that date, at that meeting, were not one of them trustees when the cemetery was founded, and although the settlement proposed by Judge Hilton was considered an outrage upon justice, yet it was advised by myself and Mr. Marsh that it would be beneficial to the cemetery to accept the proposal of Judge Hilton, who exacted \$10,000. I recollect that at that meeting Mr. Miles took the ground that this suit was a blackmail operation, and said that rather than the cemetery should pay this \$10,000, he himself would give \$1,000 out of his own pocket, and this was followed by them, who volunteered to follow Mr. Miles' example, and did pay their proportion of one-half of the sum exacted by Judge Hilton, which was paid into the hand of Judge Hilton accordingly, who acted exclusively in the negotiation for the settlement.

At the time of the settlement of the \$480,000 bonds the cemetery was heavily in debt beyond its ability to pay, to wit: the trustees had lent to the cemetery about \$10,000: Messrs. Driggs and Miles had, in addition, lent and advanced to the cemetery \$6,500. There was a mortgage on the Van Wyck purchase of about \$10,000, some small portion of which had been paid out of the sale of the lots. Mr. Miles, the agent of the cemetery for selling lots, had a large claim for commission. He also held, if I recollect, eight bonds against the cemetery for commissions. All these claims against the cemetery amounted at that time to \$35,000 or \$40,000. Mr. N. G. Palmer called upon me at my office, prior to the commencement of any actions by him against the cemetery, and exhibited two sheets of what he called grievances, and wished me, after my connection with the cemetery had ceased, to institute proceedings against the cemetery for the purpose of forcing the cemetery to pay a large amount, and offered to give me a large portion of the results. I looked upon it as a blackmail proposition and refused to have any thing to do with it. In conclusion, I consider the part I took in the establishment of the cemetery, and its effect upon inter-mural interments, and my instrumentality in keeping alive, while in the struggles of death, this great necropolis, as one that I look back upon with great satisfaction.

CHAS. T. CROMWELL

Subscribed and affirmed to, this }
 31st day of December, 1880, }
 before me.

JOHN ALLEN,

Notary Public, N. Y.

EXHIBIT E.

December 31, 1880.

140 FOURTH STREET,
WILLIAMSBURG, CITY OF BROOKLYN, }
July 7, 1880.

Hon. HAMILTON WARD, *Attorney-General of the State of New York* :

DEAR SIR — Your telegram to Judge Nelson that you would hear applications to bring suit against the Cypress Hills Cemetery, at a place stated in New York on the 29th of June last, came to his office while he was absent. Judge Nelson gave it to me yesterday. As one of the trustees and legal advisers of this corporation, it is proper that I reply to the telegram; though we reviewed this matter so often and at such length before your predecessor, I cannot see why it should be brought up again, as I believe he was convinced that no good would come of a suit in the interests of the parties instigating it. The fact that Noyes F. Palmer, a son of our former discarded superintendent, bought a half plot in 1874, after he had used the time he was paid for to write up the books of the institution in copying records to be used in an unfriendly litigation against the institution for the very purpose of giving him a standing in court as *quasi* relator in such suit. The suit was brought by an attorney of his selecting; and resulted in a judgment on testimony taken and a referee's report. The settlement had the sanction or was with notice to the Attorney-General Pratt, the judgment having been entered in 1874. We believe that judgment was final and effective as to all matters set out in that complaint—binding on the people of the State as well as on the corporation. Whether it is or not, the existing board of trustees have all come into office since the entry of that judgment, and are noways responsible for the acts alleged in that complaint. It is sufficient for them that they are laboring assiduously to relieve the institution from many irregularities entailed by old boards whose course was well intended, but mistaken as to the law and the interests of the institution. What good an unfriendly litigation against the existing board would do, it is difficult to see; while mischief would be great and irreparable.

As reasons why such unfriendly litigation should not be instituted, I state the following:

First. Every plotholder for use in this cemetery has received and enjoyed all the rights he purchased and paid for, and has been fully protected in those rights by the cemetery and its officers.

Second. The irregularities or even speculations under former boards, if any, cannot be made the occasion or just cause for interfering with the present trustees or for their removal.

Third. Those who clamor for a litigation against the cemetery have only personal revenge or private sinister interests to answer thereby.

Fourth. The existing trustees are laboring to reorganize the institution in the interests of the corporation in the manner to obviate the old entailed difficulties, and to cancel and retire every private interest conflicting with the interests of the institution.

If, in their proper duties or reforms, it should seem necessary, the existing management can ask the aid of the attorney-general and the

courts to determine any question of right between private parties and the corporation. And this could be done without impairing public confidence in the institution, whereas unfriendly litigation would be ruinous to all parties in interest.

JOHN M. STEARNS,
Trustee and Counsel for Cypress Hills Cemetery.

EXHIBIT F.

December 31, 1880.

To the Honorable the Committee of the Legislature of the State of New York, investigating Cypress Hills Cemetery, Hon. Geo. Wren, chairman :

In behalf of numerous lot-owners, whom I know personally to be interested in your investigation, thanks are tendered to you for the patience, ability and impartiality with which the same has been conducted.

The defending trustees have repeatedly stated to your committee that the complainants were few in number, "and could be counted on the fingers of a single hand." It will be remembered by you that not a single lot-owner has appeared for the defense; and only three of the earlier and inculpated trustees and two members of the present board of trustees, who are apologists and beneficiaries of their immediate predecessors, have attended your meetings. Several lot-owners on the other hand have appeared against the management, and the number could have been increased to hundreds, had it been thought advisable to offer cumulative testimony.

But the number of witnesses, or the motives of prosecutors, or the personal interests of defendants, can have no just weight with your committee in its deliberations.

A few problems are submitted to your united wisdom for solution, or for advice as to how they should be solved.

It has been proved that the 300 acres of land in Cypress Hills Cemetery cost about \$56,000. That the 300 acres have made about twenty-one thousand (21,000) burial plots. That these lots are worth \$200 each, or that all are worth \$4,200,000. Profits on purchase and sale of 300 acres, \$4,144,000.

Question. Who is entitled to these profits?

It has been admitted and claimed by the defendants that they have in certain ways, apparently, conveyed to themselves and others about 15,000 lots; that the cemetery now owes considerable more than all its lands originally cost; that it has only about 6,000 lots left, and that these 6,000 lots are worth \$1,200,000.

Question. If the 15,000 lots disposed of (first selected and probably the best) increased the indebtedness of the cemetery several thousands of dollars, how much more will its indebtedness be increased by the sale of 6,000 of its poorer lots, under the same management?

Question. If the 15,000 disposed of were worth \$3,000,000, where has the money they ought to have brought to the cemetery gone to?

The answer to the question, "who is entitled to these profits?"

may be found in section 7 of the act under which this cemetery was incorporated. The part of that section that refers to this subject reads as follows: "One-half, at least, of the proceeds of all sales of lots or plats shall be first appropriated to the payment of the purchase-money of the lands acquired by the association, until the whole purchase-money shall be paid, and the residue thereof to preserving, improving and embellishing the said cemetery grounds and the avenues or roads leading thereto, and to defray the incidental expenses of the cemetery establishment, and after the payment of the purchase-money and the debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment and preservation of such cemetery and for incidental expenses, and to no other purpose or object."

The whole of the statute under which, and the grave subject for which, this cemetery was incorporated, distinguish it as a *public institution*, and the duties of officers connected with its management, as *trust duties* of the most sacred character. Exemption from taxation and other immunities are promised to such associations by the State, for sanitary, benevolent and sacred purposes. These were granted for the public good, not for private speculation; to protect the graves of loved ones, not to enable speculators to invest funds where the tax collector or executions cannot reach them.

The trustees of this cemetery knew their records were public records and subject to the examination at any time. It must be evident to the committee, after this thorough investigation, that the trustees, in view of this liability to have their doings inquired into by the legislature or the courts, have studiously made their minutes as consistent and readable as possible; but that said minutes fail to give a complete history of the acts of said trustees while occupying official relations to this institution. A great deal has been done by them that does not appear in the minutes anywhere, and they do not intend the public shall find them out, if they can prevent. The reading of minutes (to the committee at its session December 7, 1880) by Mr. Miles to disprove a positive contract, signed and sealed by himself, Driggs, Pease and Jarvis, establishes the above conclusion beyond cavil.

The defending trustees have furnished a formidable array of figures, at various times, and by different officials. To prove that the statistics given are wholly unreliable, and manufactured for special effect, compare the following: Mr. Stearns (*Eagle* reporter), at the meeting of the committee November 25, 1880, stated that the cemetery had received between July 1, 1874, and November 16, 1880, the sum of \$334,091.35. Mr. Runcie stated to the committee December 2, 1880, that the cemetery had received, between November 1, 1874, and November 1, 1880, the sum of \$119,051.38. Difference \$215,039.97. The statements cover the same period of time, except Mr. Stearns' begins four months before and ends one-half month later than Mr. Runcie's. Mr. Runcie's report to committee September 13, 1880, of excess of receipts over expenditures for the last year for which statistics are given, differs two thousand dollars from the figures for the same year made to the committee December 2, 1880. Mr. Runcie stated September 13, 1880, that the deficiency for the year preceding his management was \$630.50. In the statement of the same matter, made

to the committee December 2, 1880, he states the deficiency to be \$92, but the figures given make \$92 surplus. He omits for the same year \$13,000 bills receivable, which were afterward paid and helped up receipts for subsequent years. He also neglected to state that the trustees had bonded the cemetery to repurchase lots from Driggs and others, who had previously absorbed a large part of the sales. If the trustees and others have had no sales on private account for the last five years, the receipts of the cemetery ought to have been between four and five thousand dollars per year better than previous years from this change alone. It is also in evidence that Mr. Runcie holds a note for about \$5,000 which he has taken on account of salary; other officers have taken notes for salaries. In Mr. Runcie's report of payments, the salaries appear to be paid, and no mention made of these notes. Is it possible these notes are included among receipts? He also stated September 13, 1880, that his report for the year ending July 1, 1880, did not include interest paid, tools bought, feed bills, rents, etc., "only labor and salaries." He was then excused on account of being ill.

They agree substantially that the cemetery now owes between \$58,000 and \$65,000, and that it now owns about 6,000 lots. But they differ widely as to the value of these lots. Mr. Miles, in his statements, values them between \$1,200,000 and \$2,400,000. Mr. Edwards is made to appear, November 29, 1880, to value them at \$1,236,000. Mr. Driggs is reported as valuing them between \$900,000 and \$1,200,000. Mr. Stearns August 27, 1880, valued them at only \$24,000. All the estimates given (except Mr. Stearns') were given to impress upon your committee the idea, that with less than six-tenths of its original lots left, it still had great possessions and expectations; while Mr. Stearns' was given, to impress upon your minds, that the more than fourteen-tenths that had been misappropriated were of very little value, scarcely worth looking after. If Mr. Stearns' valuation of lots is correct, the 6,000 lots are not worth enough to pay the debts of the cemetery by about \$40,000; and all the lots surveyed out of 300 acres were worth only about one-sixth of the \$480,000 bonds. The "balance sheet" presented to the committee November 29, 1880, is certainly a curiosity. The value placed upon the fences and buildings is a little more than they cost between 25 and 30 years ago, as can be shown by special accounts kept with each. "Avenues and paths," are novel "assets," as well as many other items mentioned. Why not include all other labor, as well as "surveying," among "assets?"

It will doubtless be recollected by the honorable members of the committee, that the defendants, without waiting for the complainants to more than open their case, figuratively rushed into court with interested witnesses; inculpated trustees with eminent counsel to assist them in making "statements," "restatements" and "supplementary statements," about which they objected to being cross-examined, unless counsel that assisted in their preparation were present to "keep their testimony consistent;" and John M. Stearns, trustee and counsel, with a history of cemeteries, how they differ from "eleemosynary charities," how naturally the trustees of such cemeteries forget their trust duties and come to "regard them as business corporations belonging to themselves," and in support of his views

handing to the committee all the documents he has had any hand in preparing since he was admitted to the bar. Nearly all these matters were irrelevant, did not refer to the specific charges made against the trustees, and were only introduced in such immense quantities, probably, to exhaust all the time you could be expected to spare to this investigation.

The complainants may be fully satisfied, however, with their case as it now stands; for the defendants, in their eagerness and multiplicity of statements, have admitted or proved nearly all the charges made against them. Mr. Stearns seemed surprised when I announced to the committee that I did not refer in my statement to charges already admitted, as if they had admitted nothing. I claim that of the thirty-five charges made, about twenty-eight of them have been admitted, four partly admitted, only two absolutely denied, and one indisputable.

In reviewing the testimony offered by the defendants, I will be obliged to depend principally upon the press reports of said testimony, as I was not present at all the meetings of the committee, and if any injustice is done in consequence of imperfect reports no one will regret that injustice more than I. I will also state here, in reference to conversations with trustees and others, referred to in my statement accepted by the committee, December 24, 1880, that I repeated nothing that I did not fully believe to be true. I was, to a great extent, for twenty-six years, the confidant of nearly all the trustees, and cannot imagine why, in talking to me of matters concerning the cemetery, they should attempt to deceive me. They knew that I knew its history and condition better than they did; I believed they told me the truth from my own knowledge at the time; and that all I repeated could be proved, if your committee had time to follow up such a variety of subjects.

Mr. Stearns, counsel and trustee, submitted a "statement in detail" to the committee, August 27, 1880. In that statement, as reported in the *Times*, he has grouped the charges and considered several at one time in his reply. I will follow his example, numbering the charges from one to thirty-five.

The undersigned, upon information and belief, makes the following charges against the trustees of the Cypress Hills Cemetery:

1. That said trustees, very soon after filing their certificates of incorporation, in 1848, purchased from A. H. Van Wyck, then a trustee, about 125 acres of land for about the actual price of \$20,000, and that consideration was written in the deed.

2. That said actual consideration was paid by the association assuming a mortgage for \$10,000 and conveying about 486 cemetery lots to said Van Wyck at \$20 each, in full payment of the balance.

3. That the actual consideration was soon thereafter raised by authority of said trustees, and the sum of \$500,000 or thereabouts inserted in place thereof.

4. That the difference between the erased and the inserted consideration, amounting to \$480,000, was represented by seven per cent interest-bearing bonds; and that said bonds were issued to said Van Wyck without any consideration ever being received by the cemetery.

5. That said bonds were immediately divided between the then trustees by said Van Wyck, without any consideration by the other trustees to him.

In a letter of Mr. Stearns to the *Times*, September 9, 1880, occur these words: "Charges against the old management that are unjust and without foundation in fact."

In his statement, August 27, 1880, he says: "We are not bound to answer for our predecessors. The facts charged are probably substantially true, but as made against the trustees now in office the charges are unjust. There is nothing in the records to show that the bonds were divided between three trustees." "Three trustees" is a misprint for "the then trustees." Mr. Stearns here denies by wholesale and admits in detail.

The original bonds were not transferable, except by consent of the board of trustees. The minutes show that the bonds were divided and assigned by consent. These five charges are admitted and proved beyond question; and can be further proved by the testimony taken in suit of Campbell, executor, against Cypress Hills Cemetery, 41 N. Y. Reports. Remittitur in New York city. See testimony of N. G. Palmer, August 16, 1870, and L. R. Marsh, December 10, 1880.

6. That interest on some of these bonds was paid out of the treasury of the cemetery.

Of this charge Mr. Stearns says: "There is pretty good evidence that at that time the corporation had no money to pay interest with; without affirmative proof this must be denied." Admitted by Mr. Niles, November 16, 1880, and proved by Campbell's testimony, December 17, 1880. But the insinuation of Mr. Stearns, "that at that time the corporation had no money to pay interest with," corresponding with similar assertions by Messrs. Driggs and Niles, betraying a general design to make the cemetery appear to have been a "poverty-stricken institution" which they saved, deserves particular attention. Mr. Stearns stated to the committee, November 28, 1880, that the receipts of the cemetery from August 8, 1848, to July, 1874, were \$600,320.53, an average of a little more than \$23,000 per annum. Mr. Stearns says: "At that time (1848) rural cemeteries were newly-created institutions. The general law of 1847 had been passed about a year." The latter sentence quoted is true; but rural cemeteries had been created by special statutes long before 1847, and the success of such as Greenwood, Mount Hope, Laurel Hill and Mount Auburn had popularized them, and it was to gather a share of the profits of that popularity that actuated the originators of this cemetery. They were not pioneer manufacturers of public opinion; they were speculators pure and unadulterated. For the objects they had in view, they should have obtained a special charter; but as they did not and organized under the general law of 1847, they are bound by the provisions of that law. Mr. Stearns says "its provisions are obscure," "it contains no financial plan," but he is the first person I have heard make such assertions. To any good English scholar its provisions are so plain that no lawyer need err therein.

It is true that the cemetery, though prosperous from its start out of an income of about \$23,000 per year, did not have surplus enough, after paying its running expenses, to pay \$33,600 per annum interest

on bonds it had received no value for. Trustees and attorneys who have no care or anxiety for the cemetery, beyond getting that interest, no doubt thought it a failure and sold out as Marsh did to Miles. All the embarrassments of the institution may be directly traced to these bonds. The first trustees forced its operations, in the hope that they might derive an income from it; but there was a community of interest among them, as one could not expect interest on his bonds unless all received it. When the bonds were exchanged for lots, each held a separate interest to a certain extent and had to look out for himself, with the proverbial dread of being hindmost.

7. That a committee of lot-owners in 1851 having heard of these bonds demanded of the trustees answers to certain questions concerning them. To this charge Mr. Stearns replies: "The plotoholders had no such committee and took no such action. The trustees made no such report to the plotowners." This charge is proved, however, by my statement (uncontradicted, as far as I have learned) and by printed report of the board of trustees, dated 1852, and John Tregaski's testimony, December 3, 1880.

8. That the trustees were afraid or ashamed to acknowledge the facts concerning these bonds — having surrendered all they could control — reported to the lot-owners that there were no bonds of the cemetery in existence. They also reported the receipts and expenditures to date, and also the indebtedness of the cemetery. The report showed no liability on account of said surrendered bonds. Mr. Stearns' reply to No. 7 includes denial of No. 8, but he repeats denial in his notes after quoting these charges.

No. 8 is proved by the same testimony that proved No. 7.

9. That soon after the above-mentioned investigation the trustees issued to all the parties who had surrendered bonds certificates for cemetery lots at \$60 each, to the number of about 8,000 of such lots.

No. 9 is admitted, except that Mr. Stearns either does not know, or willfully misstates the number of lots given in exchange for the bonds. There were 8,000 lots so set apart and given. That one-third was to be surrendered and sold for the benefit of the other two-thirds does not alter the fact that they were all set apart, drawn for and located in the same manner.

9½. (Egle. print missed this charge.) That no consideration was ever paid, nor pretended to be paid, for said lots, except the surrendered fraudulent bonds. Mr. Stearns, in reply to this, says: Some persons paid something or did something for the fraudulent bonds, but does not deny this charge. It has been admitted virtually by Stearns, Driggs and Miles.

10. That by an agreement between the recipients of said 8,000 lots, one-third were to be sold at once to raise money to improve the rest. In reply to this, Mr. Stearns says: "The one-third reservation to the cemetery seems to have grown out of the previous scaling down of the bonds, as the concern was in debt to the purchasers of the one-third." He could scarcely have made more errors, in so short a sentence, if he had tried. There was no "reservation to the cemetery," "no scaling down of bonds," and the cemetery was not "in debt to the purchasers of the one-third." Mr. Miles admitted this charge in his statement to the committee, November 12, 1880.

11. That Edmund Driggs, then one of the trustees, sold nearly all of said one-third lots, or about 2,600 lots in all, and reported to his associates that he was getting \$6 per lot for them. Mr. Stearns: "The sale was a transaction of the board. If Driggs held these plots they were held in the interest of the corporation, and so sold and accounted for." If Mr. Stearns had said nothing about charges 10 and 11, it might not have been so apparent that he will talk, even if he talks about what he knows little or nothing. That the one-third lots were sold (or redeemed by the owner, on payment of \$6 per lot to the cemetery) has been admitted and proved. There has been no proof given that any one but Driggs sold any of the one-third lots. It has been admitted that \$6 per lot was the price at which he was authorized to sell said lots. It can be easily calculated that one-third of 8,000 is about 2,666, and that at \$6 per lot, 2,666 would sell for \$15,996. Mr. Stearns says they were "so sold and accounted for." I am familiar with the cash books of the cemetery; have searched them to find where the one-third lots were accounted for, and was able to find only about \$2,000. I asked the secretary of the cemetery, a few days ago, if he had searched for the same object. He said he had, and only found a small part of the proceeds of the one-third lots. Two thousand and six hundred plots so sold, admitted by Driggs, December 24, 1880, if *Eagle* report is correct.

12. That the purchasers from said Driggs paid him from \$15 to \$22 per lot, and that the difference between \$6 and the selling price was pocketed by said Driggs as a broker. That this difference amounted to about \$30,000. Mr. Stearns: "This statement (charge) has no warrant to support it in the minutes of the board, and is denied unqualifiedly by Mr. Briggs." Can it be possible that Mr. Stearns, "counsel and trustee," expected to find any thing "in the minutes of the board," to warrant this charge? He ought to know by this time how minutes are kept, and that such transactions are not recorded. Of the persons to whom Driggs sold the one-third lots, I think only two are living—Mr. Daniel Sandford of Redding, Conn., and Mr. A. S. Jarvis, who testified before the committee, December 7, 1880. Mr. Jarvis said he bought 167 lots from Driggs at \$15 per lot in 1852. The number, 167, being odd, enables us to trace them. In paying off the bonds with lots, there were only three persons that received exactly 500 lots. These were Miles, Driggs and Pease, and their one-third lots were each set down as 167. Pease at that time was buying lots and selling none. They were not his lots. Please refer to the minutes of your meeting of November 16, 1880, and see if the "*Times*" report of testimony taken is correct. Mr. Miles was being examined.

Question. Mr. Driggs—"Did I not say that rather than sell my third at that price (\$6 per lot) I would advance the money to the cemetery and keep the plots, and did I not do so?"

Answer. Mr. Miles—"You did."

Mr. Driggs (triumphantly)—"So much for the charge that we speculated with these plots at the expense of the cemetery."

Conclusion. The 167 lots that Mr. Jarvis purchased of Mr. Driggs were either his own one-third lots or Mr. Miles', which he paid the cemetery \$6 per lot for permission to keep or sell, and sold to Jarvis for \$15 per lot, and triumphantly denies speculating in.

Mr. Driggs admitted to the commissioners December 24, 1880, that

he sold about 520 lots to the Rev. H. L. Husted at (I think he said) \$15 per lot, and further stated they were his own lots. He would probably have made the same answer and claimed the same ownership in all of the one-third lots sold by him. To claim that he owned them and was selling his own lots is an after thought, an invention later than the excuse of "selling them as a broker." To prove this, August 26, 1880, Mr. Driggs handed to your committee a written statement in which he claimed that 1,540 lots were all that he had owned in the cemetery. On cross-examination September 18, 1880, it was brought out that he had owned about 2,000 different lots. He explained and admitted how he had sold all of them except about 317. I know he has sold about that number at retail, or in parcels of a few each at about retail prices. He did not then think of claiming that he ever owned the one-third lots sold by him to Husted and others, amounting to about 2,600. He denied, December 24, 1880, that he sold 100 lots to James Murphy. We could have presented to the committee several persons who have heard Murphy tell the following story, to explain how he came to buy lots in this cemetery while he was a Catholic:

Murphy's story in about his own language.

I noticed for several mornings, successively, that Pease eyed me very benignly and inquiringly. Finally, after he had considerably excited my curiosity, he said to me: "Murphy, have you felt lately any new and peculiar anxiety about the future welfare of your immortal soul?" I replied that I had not, and inquired why he asked such a question. "Well, to tell you the truth," said Pease, "brother Driggs and I have made you a special subject of prayer for some time, that you might be converted from Romanism to the true faith, and I have expected every day to see evidence that the Holy Spirit was working upon your mind." I thanked him for their interest, and was about introducing some other subject of conversation, when Pease suddenly exclaimed, as if the thought had just occurred him: "By the way, Murphy, I have been buying some lots of Driggs in Cypress Hills Cemetery dirt cheap, and if he should offer you any buy them, for the investment is sure to pay large profits." A few days thereafter, sure enough, Driggs came along and had a few more lots left and I bought them. The investment has not paid as Pease said it would, and what I want to know is, which of the two was a cat's-paw for the other?

I am as fully convinced that this charge is true, as I am that there is such a place as London.

13. That W. D. Kennedy held one of these bonds which amounted to \$2,500, and would not take lots for the same when the other bonds were surrendered. Mr. Driggs and Mr. Nellis bought said bond for about \$1,600, and received from the cemetery 100 of the best lots in the grounds for it. This transaction took place about 1854, some years after the board had reported the bonds were all canceled.

Stearns says: "No report was made by the board to the corporation or to anybody else that the bonds were canceled."

Notwithstanding Mr. Stearns' denial, the report was made and published in pamphlet of 1852—see testimony of Tregaski, December 3, 1880. The rest of charge admitted by Driggs on several days, particularly December 24, 1880.

14. That the estate of Samuel Starkweather held one of said bonds for \$2,000. Mr. Campbell, the executor, refused to exchange the bond for lots and brought suit to collect the amount named in the bond. The trustees defended, alleging that the bond was fraudulent and void. The Court of Appeals (41st N. Y. Reports) so decided. This suit was begun several years after the board had reported the bonds all canceled.

Admitted by Driggs, Miles and Marsh, and proved by the records of the court.

15. That though Campbell lost the suit, he threatened to expose the transactions of the trustees connected with similar bonds, and was given \$10,000 to buy his silence.

Admitted the fact, but motives being difficult to prove, denied "for the sake of peace."

16. That this appropriation of 8,000 lots required about 120 acres of land, or nearly as much as was bought from said Van Wyck; and supplied the votes by which said trustees could elect themselves from that time forward.

Admitted by Miles November 18, 1880.

Number 16 indisputable.

The proof in regard to these three charges is respectfully submitted to the committee. We can only judge from men's motives by what they do, and their admissions. One sentence in Mr. Stearns' comments on these charges deserves a little notice: "Their validity had not before been questioned, but they were retired as having bankrupted the institution by their accumulated interest." In another place Mr. Stearns says: "The institution has paid to its outside creditors from its origin till now, one hundred cents to the dollar, and its current expenses have generally been paid from its income." Thus making his assertion, that the institution "had been bankrupted," appear ridiculous and false. "The validity of the bonds" had been questioned from the time of their creation — the public had questioned them, and were resolved on their cancellation (see statement of Driggs September 17, 1880, denied by him as to threats December 24, 1880) — they were "retired" to hide them, and falsely reported "canceled" and burned to allay suspicion. The intended plunder was not lost sight of, however. Great credit has been claimed by Driggs and others because they agreed not to demand, on the retirement of the bonds, about \$100,000 interest that had accumulated on them, and that the exchange for lots stopped the interest account altogether. As they were not entitled to either principal or interest, I see no more virtue in their relinquishment of interest, than in the act of a thief who had overloaded himself with plunder, abandoning what he had not power to get, or carry away in his flight. If the lots are worth \$200 each, as claimed by Miles and others, making 8,000 taken for the bonds worth \$1,600,000, the second swarm of speculators were worse than the first and are certainly entitled to no credit for the exchange.

The only benefit or gain to the cemetery by the exchange was the postponement of the time when the speculators expected to realize their illegitimate profits.

17. That for the first money needed by the cemetery, the trustees sold lots to themselves, selecting lots in the best part of the grounds, and offered these lots for sale in competition with the cemetery at a large

advance over the prices allowed for them. That by this means a large part of the sales have accrued to the benefit of individual trustees at a profit of from 100 to 500 per cent. This method of raising money was repeated until about 3,000 lots were thus sold to the trustees.

Charge 17 admitted by Stearns, in communication in *Daily Times*, September 15, 1880, that they so sold to themselves 3,973 lots. Mr. Stearns asked me to sell lots for him; and there would have been no trouble proving that he has had lots for sale and that Runcie has individually purchased lots for resale.

18. That they have deeded lots to themselves a few days before a trustee election that they might vote on them and be able to defeat a formidable opposition.

Charge 18 was substantially admitted by Mr. Miles, November 18, 1880. (See testimony in statement of N. G. Palmer, December 24, 1880.) Charge 17 admitted substantially by Miles in answer to questions of Benedict, November 16, 1880; also by Driggs on cross-examination, September 17, 1880.

19. That the trustees have given away several hundred lots to individuals who, having learned the character of their official acts, threatened to expose them, to bribe such individuals to silence.

Admitted by Mr. Miles in answer to Benedict, November 16, 1880; and proved by uncontradicted testimony of N. G. Palmer, December 24, 1880. The particular individuals referred to in this charge were Nellis and Skinner; 200 to Nellis, 400 to Skinner.

20. That for the small sum of one dollar per lot they have exchanged several hundred of their least saleable lots for a like number of the most saleable lots in the cemetery.

Number 20 admitted by all the defendants that appeared before the committee.

21. That four of said trustees bought sixty-four acres of land adjoining the cemetery for about \$20,000, with the understanding that they four were to have half of the lots that could be surveyed out of the land for the amount advanced to purchase the same. The four exacted from the association interest on \$64,000 during the delays incident to searches, surveys, etc., in excess of the consideration agreed upon, and, being a quorum, obtained it.

Number 21 admitted and proved, and the testimony given indicated that some of the four cheated the others.

22. That one trustee bought land adjoining the cemetery and was promised a certain number of lots per acre if he would place the same in the cemetery. The land did not make the number of lots promised, and a number in another locality was given to make up the deficiency.

Number 22 substantially admitted by Miles, November 16, 1880. Proved in statement of Palmer, December 24, 1880.

23. That the cemetery donated about 126 lots to the United States and the Metropolitan Police Department, to induce the proper officials to select burial grounds in the cemetery. The donations secured the sale of about 156 lots at \$80 per lot. As soon as the sales were secured the trustees claimed nearly all these lots under floating certificates, and appropriated the proceeds to themselves.

Substantially admitted by Miles, November 18, 1880, and by Mr. Stearns, August 27, 1880. The government paid \$1.50 per grave in-

stead of \$2 as Mr. Stearns claims in his reply to this charge. (See Palmer's statement December 24, 1880.)

24. That the trustees have appropriated the labor of the employees and materials of the association for the improvement of property outside the cemetery, in which they were individually interested, to the amount of several thousands of dollars, and made no accounting therefor.

Partly admitted by Miles in his examination November 18, 1880. Apologized for by Stearns as on "an avenue leading thereto," in his reply. But this was not "an avenue leading thereto," as contemplated by law, but a new avenue opened and made from Williamsburgh to the cemetery. (See statement of Palmer, December 24, 1880, for particulars.)

25. That they have misappropriated the trust fund of the cemetery.

Mr. Stearns' reply to this charge leaves the impression on my mind that he does not understand this account. Every dollar in it was received in money from the lot-owners whose lots were entered upon the perpetual care list. The whole amount in the fund should be about \$25,000. Nearly all has been invested in the repurchase of cemetery lots from Driggs and others. If the committee examined the account the lot-owners are willing to submit this charge and Mr. Stearns' "denial *in toto*" to their decision without further note or comment. Mr. Stearns' lax construction of laws relating to trusts may have led him to regard these funds as belonging to the corporation, and that the trustees were the owners of that corporation.

26. That in 1874 the attorney-general of the State authorized proceedings in the name of the people against said trustees. Suit was commenced in the Supreme Court, complaint filed, answer made, an accountant appointed by the court and the case of the people prepared. On papers submitted to counsel for defendants the latter admitted they were beaten before trial, and the only way out was to buy out. Negotiations were opened with Winchester Britton, who represented the attorney-general; \$5,000 were raised by the officers of the cemetery and their attorney, John M. Stearns, and was paid to said Britton; and the respective attorneys arranged for a sham trial, and by collusion allowed judgment to be obtained for the trustees by fraud upon the court.

Admitted by defendants with apologies, and inadequate reasons for such a settlement. The committee having the facts before them, admitted and proved, will undoubtedly arrive at just conclusions in relation to this charge. This charge contains in brief one count in a complaint drawn by Judge Erastus Cooke after a thorough examination of the official records himself, and an investigation by the attorney-general of the State, had established the truth of all the allegations contained therein. (See article 2, part 4, title 4, chapter 1, sections 9 and 10 Revised Statutes, for penalties to which bribers and bribees are liable, unless proceedings are barred by the statute of limitations.)

27. That the trustees, warned by this suit that their time of speculating in lots might be abridged by legislature or the courts, obtained a special act of the legislature in 1875, permitting them to bond the cemetery again to repurchase from themselves and friends such lots as they feared they might not otherwise sell.

Admitted by Mr. Stearns. Not denied.

28. That the bonds issued for the repurchase of lots, which in equity always belonged to the cemetery, should be declared void, as they have been issued for no consideration.

Submitted without comment.

29. That over 12,000 of the best lots in the cemetery have been almost lost to it, as far as the nominal sums received at the time of pretended sales is concerned, and have been a detriment as they have been ever since offered for resale in competition with the cemetery, in the hands of individual trustees, pools of trustees, undertakers, stone-cutters, grocers, plumbers and others with whom the trustees have traded.

Mr. Stearns groups charges 27, 28 and 29 together. Only one sentence of Mr. Stearns' reply to these charges deserves any notice, and that is this: "The lots we have repurchased from Driggs did not pay him more than two-thirds their cost and interest."

That Mr. Stearns simply repeats like a parrot what Mr. Driggs told him about these lots was made evident by his examination September 13, 1880. He could not then tell how much any of the trustees allowed for lots taken, nor what profits they had made on large numbers sold by them at retail, in fact was all the time endeavoring to distract the attention of Counselor Cook by repeatedly thrusting in his face an old irrelevant bond. During the examination of Mr. Runcie at this meeting of the committee (September 13), Mr. Stearns (unwittingly perhaps) directed all his questions so as to aid us in proving this charge to be true. In truth he completely proved the latter half of it. (See testimony of Jarvis and Palmer as to "Pool.") About the 1st of July, 1864, there was another agreement made (not reduced to writing) by the men who formed the pool, to buy in competing lots so that all the sales should be controlled by the cemetery or the ring. I bought in for myself about \$1,600 worth; I bought for Van Alst, \$1,000 worth; these were in the market, good lots and being sold almost daily. Mr. Miles went to buying unsaleable lots with the trust fund moneys; and Mr. Miles bought 150 unsaleable lots for \$30 each, for the cemetery. That completed the buying in of "competing lots" under that agreement. The last 150 mentioned were reported as being bought of a Mr. Webb, but when they were transferred in the books of the cemetery, they were found to stand in the name of Mr. Miles, and Mr. Webb's name had never been in the books anywhere. Instead of buying, Mr. Driggs turned out a large number of his lots to Messrs. Hall and Lowe, prominent monumental sculptors near the cemetery, who placed them in the market at once; and to get them out of the market again, the cemetery repurchased a number of them again at \$80 per lot. Mr. Pease, instead of buying in or complying with the "pool agreement" even, went to the office and instructed the secretary to transfer a large number of his lots to Joseph Bryan, a prominent undertaker, and date the certificate back to avoid the contract signed. I think the secretary did as instructed, for Bryan had all the lots he could sell during the existence of the pool.

30. That the 300 acres of land now owned by the association actually cost only about \$56,000.

Number 30 admitted.

31. That Edmund Driggs, for about twenty years president of the cemetery, acknowledges that the association is in debt to the amount of over \$55,000. The 300 acres made about 21,000 burial lots. The treasurer, Mr. Miles, reported some years since that the cemetery had only about 2,500 lots unsold. In 1879 the president reported that the cemetery owned 6,000 lots, every one of which was worth \$150. The cemetery had probably repurchased 3,500 lots.

Number 31 admitted, except as to report of Miles. Report made April 7, 1865. Estimated value of lots admitted and increased.

32. That from the above figures, the conclusion is inevitable, that if the 6,000 lots owned by the cemetery are worth now \$900,000, the 15,000 disposed of are worth \$2,250,000. Over two millions of dollars' worth of lots disposed of, a debt equal to the whole cost of the lands unpaid, no improvements of the cemetery grounds or buildings to credit to the millions, and no investments to account for them.

Number 32. Calculations undisputed. The conclusions justified. Mr. Driggs' extravagant estimate of cemetery improvements (see his reported statement, September 17, 1880), and property left by the plundering trustees, and the so-called balance sheet submitted November 29, 1880, are made to appear ridiculous by a personal examination of those improvements; but without meaning to do so, their estimates of the value of remaining lots enable the committee to fix the value of lots taken by standards furnished by the takers.

33. That the first trustee perpetrated a fraud by which they expected to realize about \$500,000 out of the bonds, beside a large amount of money on the profits made by selling lots to themselves at a very low price and reselling at a high price.

Of number 33 Mr. Stearns says, "If this was their expectation they were disappointed." The fraud both admitted and proved substantially.

34. The second lot of trustees, including Driggs, Miles and Pease, each gave \$3,250 for \$30,000 of the bonds, but when they found out the character of the bonds, and that they were without consideration, they insisted on being repaid and were repaid for all advances. They, however, did not return their bonds, but drew 500 cemetery lots each, each with the other bondholders. Instead of repudiating the fraud, the three trustees mentioned each made more money out of the bond transactions than any of the first trustees did.

Number 34 denied. Testimony given, pro and con, respectfully submitted to committee.

35. That the present trustees, who had nothing to do with the issue or cancellation of the first-mentioned bonds, do not do their duty in that they do not refuse to give deeds for lots fraudulently taken from the cemetery, and prosecute the holders of fraudulent certificates for their return and cancellation.

(Signed)

GEORGE W. PALMER.

Number 35. Questions of law involved in this charge. Left to counsel and the wisdom of the committee.

These charges, said Mr. Cooke, it is proposed to substantiate by oral testimony by a number of witnesses, whose names he agreed to furnish to the chairman of the committee. Notification will be given to the

members of the cemetery association and counsel to attend the next session of the committee to hear such evidence as may be adduced. The committee then adjourned to Monday next.

The fraud attempted by the first, fostered, traded upon and increased by the second lot of trustees, only extended to the issue of inexpensive papers called bonds and certificates, and a few thousand dollars illegally paid to litigants; the final great robbery can only be consummated by the consent of the present or some future board of trustees, giving deeds for these fraudulent papers; for up to the present time less than 100 of the 8,000 lots have been sold for actual burials therein.

(NOTE.—The managing trustees of the present board are known to be financially and otherwise in sympathy with their immediate predecessors, and have been chosen by them for the express purpose of assisting in the final acts of the programme. It is the knowledge of this subserviency and sympathy that has instigated the lot-owners, efforts in the legislature and the courts for the protection and redress which the trustees fail to give them.)

I trust the committee will excuse me for noticing in this review a few of the many extravagant statements made by the defending trustees, even if they are irrelevant. In the statement submitted by Mr. Stearns to the committee August 6, 1880 (as reported in the *Eagle*), he says: "We defy investigation to show that from the organization of the cemetery till now, holders of plots for use have not received and been protected in all they bought."

The lot-owner replies: "The lot deeded to me is not all I bought. I know that I was paying at the rate of several thousands of dollars per acre for land, which as land I could have bought at \$150 per acre. The act under which the cemetery was incorporated; the verbal and printed promises of its officers assured me, that while I paid a large price for a burial lot, other purchasers were paying accordingly, and the greater the price *we* paid, the more money *our* association would have to improve and preserve its grounds. We knew nearly all of the money we paid was profit, and reasonably believed it was for the association, paid it cheerfully and expected our grounds to be beautified in proportion to the liberality with which we paid. The diversion of these large profits to the pockets of trustees is in direct violation of law, a flagrant injustice and wicked robbery of us lot-owners. We would never have bought lots in Cypress Hills Cemetery if we had supposed the mismanagement and breaches of trust and of law, on the part of its trustees, would ever have presented this alternative to us: to either consent to have it continue to resemble a neglected country churchyard, or submit to annual taxation to prevent its becoming a wilderness."

The committee will please refer to Mr. Driggs' statement made September 17, 1880. In answer to the paragraph, where he says he served on a salary for one year, etc., I can testify as follows: The claim that he settled and compromised \$30,000 of liabilities is untrue, the cemetery (as Stearns repeats in his statements) always paid one hundred cents on the dollar. It never was in any such financial difficulties as Messrs. Driggs, Miles and Marsh appear to have agreed to represent it to be (except those bonds) as could, or can be proved by a balance sheet including all its financial affairs up to any given time. He

complained to me during the whole of that year that other trustees were so jealous, and fearful that he was selling more of his own lots than he was of theirs, that he could scarcely sell a heap of stones unless by consent of some committee; at least three of the trustees consulted with me and we agreed in conclusions, verified by comparison with preceding years' accounts, that all his efforts had not increased the business of the cemetery as much as the sum of his salary; and his engagement was not renewed. He told me the same jealousy had annoyed him in the insurance company; and I do not believe his resignation referred to was entirely voluntary.

In the next paragraph of his statement he says: "It was the opinion of all at that time," etc., that certain "bonds were legal," etc.; this assertion is directly in conflict with what he says he told Woodhull as reported in the first paragraph of his statement, to wit: "Told him what I had discovered, and that I had been swindled out of my money," "and the bonds were not worth a cent, and that unless my money was paid back to me," "resign as a trustee and *publish* my reasons for doing so."

These were threats, which Mr. Driggs denied (December 24, 1880) ever making, after testifying that he did make them.

Further on in this statement, he says: "I was president of the board for about twenty-five years, and during that time I can safely say there was not one complaint a year from a lot-owner," etc.

He was neither individually nor officially entitled to the credit of the local management that gave such general satisfaction. Not one lot-owner in a hundred knew or cared who was president of the board of trustees, or who were the other trustees. The credit is mainly due to the superintendent who kept the cemetery popular, and kept up a show of progress in spite of the large drafts upon its resources by the mismanaging trustees.

Near the close of this statement, he says: "I gave to the cemetery some twenty-five years of my best business life," etc.

Is visiting the grounds about once a month, and nine times out of ten, for the purpose of selling an individual's own property, for twenty-five years, to be called "a business life?" Is meeting once a month with a board of directors or trustees, where nine-tenths of the time is spent in devising means and excuses for making private profits out of trust duties, to be called "a business life," and to be paid for by the neglected and plundered institution? How many business lives can one man live according to such calculations?

At the meeting of the committee November 17, 1880, in answer to Mr. Stearns, Mr. Miles is reported to have said: "That I think was one of the reasons for Mr. Palmer's removal," meaning disregard of a certain rule under discussion.

On this as well as on several other occasions Mr. Stearns directed his questions, to get before the committee, if possible, some evidence against me. To answer what Mr. Miles said at this time, under pressure of counsel and personal motives, I respectfully offer the following quotation from a letter of Mr. Miles to me when there was no such pressure:

"We shall want to morrow \$150, please let the bearer have it. If on Monday you can make \$100 more, then we shall be able to sail along for

some time without calling on the funds collected on the grounds for this end of the institution."

In answer to other insinuations, I respectfully submit the following resolutions, which contain the first intimation of my possible removal, and the only reasons given, until others were necessarily invented.

(Copy.)

OFFICE OF CYPRESS HILLS CEMETERY, }
NEW YORK, Oct. 20, 1875. }

At a meeting of the trustees, held this morning, the following resolutions were passed, a copy of which I was requested to forward to you, to wit :

Resolved, That the claim presented by Mr. Palmer, as to salary, on the basis of three thousand dollars a year since 1864, be admitted, subject to audit by the secretary and treasurer of the cemetery as to payments made thereon.

Resolved, That the claims presented by Mr. Palmer to locate twenty acres of land under the franchises of the cemetery, in virtue of a resolution passed by the trustees on the 20th day of July, 1864, adopting a proposition made by Mr. Palmer June 6, 1864, be held illegal and invalid, and that no allowance to him be made under the same. That if ever valid, said claim is barred by the statute of limitation, and such claim being against law and equity and good neighborhood, this board ought to repudiate the same.

Resolved, That Mr. Palmer be requested to furnish this board with a list, number and section, of all the burial plots held by him for resale in the cemetery, and the terms and prices for which he is willing to surrender the same to the cemetery, that the committee be continued for the settlement of any claims pertaining to such plots.

Resolved, That a fair and amicable adjustment of all claims of Mr. Palmer against the cemetery is of vital interest to the relation he sustains to the institution as its superintendent. That if Mr. Palmer is satisfied that no such fair and amicable settlement can be had, he be requested to place his resignation as superintendent of the Cypress Hills Cemetery at the disposal of this board at an early day.

(Signed) WM. EDWARDS, *Secty.*

To Mr. N. G. PALMER.

I replied : If all will sell, I will, on these terms : Each to be paid for his lots in proportion to the sum the cash books will show that the cemetery received for the lots when certificates were issued for them ; the price to be not less than the sum paid, with interest from the time of payment.

As the cash books would show no consideration for the bond lots, while they knew I had paid them \$25 cash each, for all the lots I held, my offer was not accepted.

(NOTE.—The committee agreed to receive briefs of counsel and others interested. Some of these were received by the committee, and after being read were withdrawn.)

The committee then adjourned *sine die*.

STATE OF NEW YORK.

No. 15.

IN ASSEMBLY,

JANUARY 12, 1881.

FORTY-FIFTH ANNUAL REPORT

OF THE MANAGERS OF THE NEW YORK INSTITUTION
FOR THE BLIND.

REPORT.

To the Honorable, the Legislature of the State of New York:

The managers of the New York Institution for the Blind, in compliance with the provisions of the act of the Legislature of the State of New York, respectfully submit their report for the year ending September 30, 1880.

The general health of the pupils during the year has been good. One death has occurred, being the first which has taken place in this institution within the last twelve years. The report of the attending physician, which is hereto annexed, will give a more detailed account of the sanitary condition of the pupils during the past year.

The finances of the institution have been carefully and faithfully administered. The moneys appropriated by the State have, by strict economy, been sufficient, with the receipts of the institution from other sources, to meet its current expenses during the past year.

The following statement of the moneys received and expended for the year ending September 30, 1880, is submitted, as requested by the act of the Legislature, passed in 1873:

RECEIPTS.

Cash on hand September 30, 1879.....	\$11,744 67
Received from the State appropriation for the benefit of this institution.....	45,948 49
Received from other sources.....	59,240 72
Total receipts.....	<u>\$105,189 21</u>

EXPENDITURES.

For salaries and wages.....	\$22,965 97
provisions and supplies.....	17,166 16
clothing.....	5,047 89
fuel.....	1,836 50
gas.....	728 50
furniture and fixtures.....	5,819 45
traveling expenses.....	370 62
repairs and improvements.....	6,992 07
music and instruction.....	1,097 13
insurance.....	549 72
medicines and medical supplies.....	31 00
All other ordinary expenses.....	4,253 15
Total.....	\$66,858 16
Extraordinary expenditures.....	42,647 01
Total expenditures.....	<u>\$109,505 17</u>

The report of the treasurer, which is hereto annexed, presents a full statement of the receipts and disbursements of the institution for the past year.

The following is a list of the legacies and donations which have been received from time to time up to September 30, 1880. Opposite each amount is given the name of the donor:

LEGACIES.

Miles R. Burke.....	\$2,000 00
Jane Van Cortlandt.....	300 00
Isaac Bullard.....	101 66
Elizabeth Bayley.....	100 00
John Jacob Astor.....	5,000 00
William Bean.....	500 00
Peter Gerard Stuyvesant.....	3,000 00
John Horsburgh.....	5,000 00
Elizabeth Demilt.....	5,000 00
Sarah Demilt.....	2,000 00
C. D. Betts.....	40 00
Sarah Penny.....	500 00
Sarah Bunce.....	500 00
Elizabeth Idley.....	196 00
Samuel S. Howland.....	1,000 00
William Howe.....	2,985 14
Margaret Fritz.....	100 00
James McBride.....	500 00
Charles E. Cornell.....	521 96
Charles E. Demming.....	50 00
Mrs. DeWitt Clinton.....	200 00
W. Brown.....	465 00
Elizabeth Gelston.....	1,000 00
Robert J. Murray.....	500 00

Seth Grosvenor.....	\$10,000 00
Elijah Withington.....	100 00
Benjamim F. Butler.....	800 00
Frissell fund.....	2,000 00
Simeon V. Sickles.....	6,561 87
Anson G. Phelps.....	5,675 68
Thomas Reilly.....	2,254 84
Elizabeth Van Tuyl.....	100 00
Thomas Egleston.....	2,000 00
Sarah A. Riley.....	100 00
William E. Saunders.....	725 84
Thomas Eddy.....	1,027 50
Robert C. Goodhue.....	1,000 00
Jonathan C. Bartlette.....	190 00
Stephen V. Albro.....	428 57
John Penfold.....	470 00
Madam Jumel.....	5,000 00
Mrs. Steers.....	34 66
Thomas Garner.....	1,410 00
Chauncey and Henry Rose.....	5,000 00
Elizabeth Magee.....	534 00
John J. Phelps.....	2,350 00
Rebecca Elting.....	100 00
Regina Horstien.....	250 00
G. Martens.....	500 00
John Alstyne.....	10,320 44
Elizabeth and Sarah Wooley.....	5,984 83
Benjamin Nathan.....	1,000 00
Thomas M. Taylor.....	6,151 94
Simeon Abrahams.....	2,804 00
James Peter Van Horne.....	20,000 00
Caleb Swan.....	500 00
Mrs. Adeline E. Schermerhorn.....	10,000 00
Henry H. Munsell.....	3,396 32
Thomas C. Chardevoyne.....	5,000 00
William Dennistown.....	11,892 77
William B. Astor.....	5,000 00
Benjamin F. Wheelwright.....	1,000 00
George T. Hewlett (executor).....	500 00
Ephraim Holbrook, with additional premium on bonds..	39,458 16
Mrs. Emma B. Corning.....	5,000 00
Eliza Mott.....	140 00
Mary M. Colby.....	595 86
D. Marley.....	1,400 00

At the close of the fiscal year, September 30, 1880, there was invested of this fund in United States bonds and New York city stock the sum of \$147,000 at their par value, for which was paid the sum of \$151,819.41.

The residue of the said fund has been charged as investment in real estate and improvements; it having been expended in the erection of buildings now used and occupied by the institution, and in making

other permanent improvements for the comfort and accommodation of the pupils.

The managers take this opportunity to express their high opinion of the energy, faithfulness and care with which Mr. William B. Wait, the superintendent of this institution, has discharged his onerous duties, and also to the fidelity of the employees under him..

The managers respectfully ask from your honorable body, that an appropriation of \$240 be made for each pupil for the current year.

For the last year the sum allowed was \$250 which, with the funds of the institution, was sufficient to meet the expense of the support and education of each pupil.

The appropriation for the current year is \$225. This was made at the time when the price of provisions and all the other necessities of life were less expensive than they now are, and this sum will not be sufficient to meet the necessary expenses of the institution, and support and educate the pupils in a manner to secure to them the full advantages of the institution.

They respectfully ask, for the reasons above mentioned, that the appropriation for the next year be increased from \$225 to \$240.

We take this opportunity to tender to your honorable body our sincere thanks for the generous consideration and cordial support which this institution has always received, and to express the hope that it will be continued. We feel that our work is a good one, and deserves all aid and encouragement from those who sympathize with the helpless and friendless.

All which is respectfully submitted.

AUGUSTUS SCHELL, *President.*

BAILEY MYERS, *Secretary.*

CITY AND COUNTY OF NEW YORK, ss.:

Augustus Schell, of said city, being duly sworn, saith: That he is the president of the New York Institution for the Blind, and that the above report, signed by him, is true, to the best of his knowledge and belief.

AUGUSTUS SCHELL.

Sworn to before me, this 11th {
day of January, 1881. }

HULBERT PECK, *Notary Public (63), N. Y. Co.*

ATTENDING PHYSICIAN'S REPORT.

To the Board of Managers of the New York Institution for the Blind:

GENTLEMEN — Your attending physician would present the following annual report:

We have to note an epidemic of measles in the month of April. The first intimation of the disease came from a female pupil, who, returning from a visit at home (where they had the disease), sickened, and from this case we record thirteen, all of an intense type, and, with one exception, confined to the female pupils. The pupils attacked occupied different dormitories, and frequented various parts of the building; yet, by isolation and careful disinfection, resorted to in each case as it occurred, we were enabled to confine the disease to a circle of youthful associates. Only one boy was attacked. In this case the disease was complicated with a double pneumonia. After a protracted illness, he made a perfect recovery. The origin of the disease in this case we were not able to trace, but were forced to conclude that it was introduced from without.

Owing to the constant exposure of the pupils from contact with the public, and from their periodical visits home, exemption from visitations of epidemic diseases is not to be expected; but, beyond the temporary annoyance they present, no especial dread is entertained, as we have again and again demonstrated our ability to control the spread of disease, and to limit it to the subjects who introduced it, and to their immediate associates.

I have to report one death at the institution — the first in twelve years. Emma Lowe died of pulmonary consumption in April last. Her retiring and gentle manners endeared her to all. Her condition precluded her removal from the institution. We have the great satisfaction to know that her life was made comfortable, and was prolonged to the possible limit of her vitality.

I would again acknowledge my obligations to the superintendent, Mr. William B. Wait, whose valued and hearty co-operation enables me to present such satisfactory results.

Respectfully submitted.

(Signed)

J. W. G. CLEMENTS,

Attending Physician.

William Whitewright, treasurer, in account with the New York Institution for the Blind, year ending September 30, 1880:

DR.

To balance September 30, 1879.....		\$11,744 67
cash received from State of New York..	\$45,948 49	
“ “ “ “ New Jersey,	7,492 76	
“ “ “ county of New York,	4,923 79	
“ “ “ Kings county.....	1,473 26	
“ “ “ legacies	7,135 86	
“ “ “ fairs and exhibitions,	146 75	
“ “ “ clothing.....	302 91	
“ “ “ sale of manufactures,	3,066 38	
“ “ “ interest	7,193 03	
“ “ “ bonds.....	25,000 00	
“ “ “ rents.....	163 25	
“ “ “ petty accounts	881 64	
“ “ “ supplies	254 37	
“ “ “ furniture and fixtures,	114 96	
“ “ “ repairs and improve-		
ments	63 46	
“ “ “ building, 1879	93 96	
“ “ “ music and instruction,	83 81	
“ “ “ fuel	23 78	
“ “ “ salaries and wages...	14 00	
“ “ “ donation	10 00	
“ “ “ traveling	2 75	
“ “ “ Steward's fund.....	800 00	
		<u>105,189 21</u>
Total.....		<u>\$116,933 88</u>

(Signed)

WM. WHITEWRIGHT,
Treasurer.

CR.

By cash paid for supplies.....	\$17,197 16
“ “ salaries and wages.....	22,965 97
“ “ clothing	5,047 89
“ “ furniture and fixtures.....	5,819 45
“ “ repairs and improvements.....	6,992 07
“ “ traveling expenses	370 62
“ “ gas	728 50
“ “ investments	25,687 50
“ “ Mount Hope.....	3,367 00
“ “ music and instruction	1,097 13
“ “ insurance.....	549 72
“ “ manufacturing department.....	1,367 27
“ “ petty accounts.....	2,366 88
“ “ fuel	1,836 50
“ “ building, 1879	13,592 51

By cash paid for fairs and exhibitions	\$129 00
“ “ Steward's fund	400 00
“ “ balance	7,428 71
Total	<u>\$116,933 88</u>

Examined and found to be correct, November 27, 1880.

(Signed)

J. M. McLEAN,
JOHN T. IRVING,
WM. C. SCHERMERHON,
Committee.

REPORT OF THE SUPERINTENDENT.

To the Board of Managers :

GENTLEMEN — At the close of the year, ending September 30, 1879, the number of pupils was 200 ; admitted during the year, 32 ; whole number instructed, 232 ; reductions, 29 ; remaining September 30, 1880, 203.

One of our pupils, Emma Lowe, died in April last of consumption. This was the first death of a pupil in the institution in upwards of twelve years. During the past year the expenditure for medicines and medical supplies was only \$31, a part of which was incurred for treatment of diseases of the eye. In view of the general immunity of the pupils from sickness, the small yearly outlay for medicines, and of the successful treatment of the few serious cases which have occurred, it will be conceded that the sanitary condition of the institution has been exceptionally good.

In the several departments of instruction, the usual course has been followed.

The branches taught in the literary department are those that are essential to a good English education. The pupils are instructed in the subjects of musical notation, harmony, and are taught to write music. They are trained in the art of piano and organ playing, piano tuning and singing, and in various branches of handiwork — such as cane-seating, mattress-making, sewing, knitting, crocheting, and the use of the sewing and knitting machines. The more advanced scholars are also required to give regular instruction in music to the less advanced pupils, and are thus made familiar with the art of teaching. The various methods of objective teaching and illustration, by means of tangible objects and manual apparatus, are practical in every department.

The sixth biennial convention of the American Association of Instructors of the Blind was held at Louisville, Kentucky, August 16, 17 and 18, 1880. The committee appointed at the meeting held in Columbus in 1878, to memorialize Congress in behalf of the education of the blind, presented the following report, which was ordered to be printed:

“ To the American Association of the Instructors of the Blind :

Your committee, appointed at the meeting of this association held in Philadelphia, in 1876, to present a memorial to the United States Congress upon the subject of the education of the blind, and to apply for government aid for printing for the blind, respectfully report as follows:

The memorial, bearing the signature of all the superintendents of the institutions for the education of the blind in the United States, was duly presented to Congress, together with a bill providing for the setting apart of a fund of \$250,000, the interest of which was to be used for providing books and tangible apparatus for the blind. The bill and memorial are set forth at length in the preliminary report of this committee, published in the proceedings of the association meeting held at Columbus, in 1878. In that report it was stated that the bill passed the House of Representatives, June 18, 1878, by the vote of one hundred and twenty-four yeas to twenty nays.

Your committee went to Washington, and through Mr. Wait, superintendent of the New York Institution for the Blind, set forth the nature of the bill in the presence of the Senate Committee on Education and Labor, January 22, 1879. That committee made the following report, based upon Mr. Wait's argument, with their unanimous recommendation that the bill ought to pass.

REPORT OF U. S. SENATE COMMITTEE ON EDUCATION AND LABOR.

That it has been the policy of the government, since 1787, to foster education. Since that time grants of land by Congress for this purpose have amounted to 95,737,714 acres and the money grants to \$47,785,197.93. (See report of commissioner of education for the year 1876, pages 16 and 17.)

In making these grants it was not the intention of Congress that any class of citizens should fail to receive the benefits arising therefrom.

These funds, however, have been devoted to the establishment of the common school systems of the several States; but owing to the peculiar conditions of the deaf and dumb and of the blind, these classes of our citizens have not been able to participate in the benefits of these grants.

The class of the deaf and dumb exceed the blind two to one; hence their necessities were earlier discovered; and in 1817, on their first application, Congressional aid was granted to place them on their proper plane of equity with those already receiving aid from the grants already referred to.

Since 1817 the grants of land for the education of the deaf and dumb have amounted to 45,440 acres (see page 13 of the report for 1876 of the commissioner of education), while the grants of money for lands, buildings, and maintenance of schools for the deaf and dumb amount to about \$1,500,000. (See tables of statistics of institutions for deaf and dumb in reports of the commissioner of education for the years 1873, '74, '75, '76.)

Up to the present time the interests of the blind in these respects have not been recognized, and the object of this bill is to secure for them an equitable consideration for their just claims.

A revision of the public-school laws of the several States would be required to secure a participation by the blind in the grants already made. Even if this was possible, it is manifestly inexpedient.

The want of experience and the great expense of manufacturing books and apparatus designed for the use of the blind render it impracticable for such an enterprise to be carried on by the separate

States; while the demand is so small as to offer no inducement to private capital.

There are thirty States in which schools are maintained for the blind, and their need for improved text-books and apparatus are imperative.

As an example of the difficulties that surrounded their education, it may be stated that a copy of the Bible, which can be bought in fair print (for the seeing) for fifty cents, cost, when embossed for the blind, \$20.

It is desirable to secure the benefits of experience and co-operation which this bill insures, and to enable the blind to stand upon an equitable plane with others.

The bill came up in the Senate February 22d, and was debated and postponed. March 3, 1879, it was passed by a vote of forty yeas to seven nays, and upon the signature of the President became a law.

Senator A. E. Burnside, of Rhode Island, chairman of the Senate Committee on Education and Labor, was the earnest friend of the bill from the time it came before that committee. He pressed it upon the attention of the Senate, and after securing its consideration, presented its merits with an ability and force that secured its final passage. The Hon. Albert S. Willis, Representative from the fifth congressional district of Kentucky, who introduced the bill and took charge of it in its whole course through the House of Representatives, was unwearied in his labors in its behalf until it became a law. He watched its course in the Senate, and lost no opportunity of personally explaining to the various Senators the important features of the bill. The success of the measure is largely due to the intelligent interest that Mr. Willis took in its behalf, and the activity and energy he displayed in making known the claims of the blind to Congress.

We feel that the gratitude of all the blind and of all interested in their education is due to Mr. Willis. We may not be able to erect for him a monument of enduring bronze, but in addition to the satisfaction that he must enjoy from the consciousness of his disinterested actions in advancing the education of the blind, we desire to place upon record this assurance of our appreciation of him and of his labors, that whoever reads them may recognize how well he used his opportunity to aid in bringing light to those that sit in darkness.

Respectfully submitted.

B. B. HUNTOON,
W. B. WAIT,
WM. CHAPIN,
F. D. MORRISON,
W. D. WILLIAMS."

The first meeting of the board of trustees of the American Printing House for the Blind, held since the organization of the board, under the act of Congress above referred to, was held at the same time and place. From the proceedings of the board, I make the following extracts:

"The president then announced that the first business in order was the calling of the roll.

The result of the roll call showed the following members present: Messrs. Bullock, Bell, Carter and Jefferson, of the Kentucky board; and in addition those of the *ex-officio* members, the superintendents of

institutions for the blind, from the States of Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York (city), New York State, Ohio, Pennsylvania, North Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

The secretary read the act of Congress providing an income for the purpose of promoting the education of the blind through the American Printing House for the Blind; also, the act of the Legislature of Kentucky, making the superintendents of institutions for the education of the blind *ex-officio* members of the board of trustees.

A committee, consisting of Messrs. Morrison, Smead and Miller, was appointed to examine the accounts of the American Printing House for the Blind.

A series of resolutions were offered by Mr. Wait, which were ordered printed, and made the special order for the evening session.

The board adjourned till 8 o'clock, P. M.

EVENING SESSION.

The board was called to order by Judge Bullock, who stated that the resolutions offered by Mr. Wait were in order.

The first resolution was adopted.

The second and third were referred to a committee, consisting of Messrs. Wait, Williams and Morrison, and made the special order of business for 2 o'clock, P. M., to-morrow.

The question of a quorum was also referred to the same committee.

The fourth resolution was adopted.

The fifth resolution was adopted.

The board adjourned till 2 o'clock, P. M., August 18.

MORNING SESSION.

August 18.

The board met at 2 o'clock P. M., with the vice-president, Mr. Chapin, in the chair.

The second resolution was adopted.

The third resolution was adopted.

The resolutions were then read and adopted as a whole, as follows:

1. *Resolved*, That the members of the board of trustees who are, or shall be, residents of the State of Kentucky, are hereby constituted an executive finance committee, and the said committee is hereby vested with full power and authority to do all necessary acts for the administration of the financial affairs of the American Printing House for the Blind, and for the care and management of its property.

2. *Resolved*, That a committee of five superintendents be appointed by the president, who shall be known as the Executive Publication Committee, whose duty it shall be to present to the superintendents of the several institutions for the blind in North America, at least once in each fiscal year of the American Printing House for the Blind, lists of books, from each of which each superintendent shall select one, and the books receiving the greatest number of votes shall then be printed in such type as designated by a majority of superintendents. But if

any superintendent shall desire to have the book printed in a different type from that designated by a majority of the superintendents, they shall be so printed, provided, that the money constituting the quota of the institution of which he is the superintendent shall be sufficient in the aggregate to defray the expense of such printing, and shall be so appropriated.

3. *Resolved*, That the money quota of the subsidy fund of any institution may be devoted to the publication of any work selected by the superintendent of the same.

4. *Resolved*, That requisitions may be made for books or apparatus, not printed or constructed at the American Printing House for the Blind, by any institution, to an amount not exceeding twenty per cent of the money quota of any institution making such requisition, for the fiscal year in which it shall be made.

5. *Resolved*, That the term "apparatus" shall include such articles only as are specially adapted to the use of blind students, as such.

Mr. Wait offered the following resolutions, which were adopted :

Resolved, That there shall be a meeting of the trustees of the American Printing House for the Blind, in the month of August in each year, due notice of which shall be sent to each member of the board by the secretary, at least two weeks before the time of said annual meeting. And a special meeting may be called at any time on the recommendation of any five trustees, presented in writing to the president of the board.

Resolved, That five members of the board shall constitute a quorum for the transaction of business at the annual meetings, and at the special meetings called in accordance with the foregoing resolutions.

Mr. Morrison, from the committee appointed to examine the accounts of the American Printing House for the Blind, reported as follows:

Your committee respectfully reports that it has carefully examined the condition of the American Printing House for the Blind, its books and its method of doing its business. Every thing was found to be in a satisfactory condition, and the business of the institution is conducted in a complete and business-like manner.

Respectfully submitted.

F. D. MORRISON,
GEO. H. MILLER,
G. L. SMEAD.

The report was received and approved.

The president appointed as the executive publication committee, Messrs. Huntoon, Wait, Williams, Morrison and Mrs. S. C. Little.

There being no further business, the board adjourned."

The discipline and administrative departments of the institution were never, within my knowledge, so thorough and efficient as at present. The deportment and progress of the pupils has, with rare exceptions, been satisfactory. I take pleasure in stating that the officers and teachers have discharged their arduous and responsible duties with enthusiasm and ability, not shrinking from any task, however unpleasant or difficult.

The annexed statement shows the receipts and disbursements of the manufacturing department for the last fiscal year.

All of which is respectfully submitted.

WM. B. WAIT,
Superintendent.

THE MANUFACTURING DEPARTMENT IN ACCOUNT WITH THE NEW
YORK INSTITUTION FOR THE BLIND.

For the year ending September 30, 1880.

DR.

To raw material and manufactured stock on hand September 30, 1879.....	\$216 16
To debts receivable September 30, 1879	549 19
To materials bought during year.....	1,331 20
To salaries and wages:	
Boys' shop account.....	\$202 11
Employees.....	1,385 28
	<hr/>
	1,587 39
	<hr/>
	\$3,683 94
	<hr/>

September 30, 1880.

CR.

By proceeds from cane-seating	\$469 89
By proceeds from mattress-making.....	2,092 11
By debts receivable.....	802 43
By raw material and manufactured stock on hand.....	245 54
By amount of deficiency after paying salaries and wages..	73 97
	<hr/>
	\$3,683 94
	<hr/>

LIST OF PUPILS.

MALES.

Byrne, Thomas.
Barr, James.
Barry, John.
Bliss, William.
Belford, Thomas.
Borthman, Edward.
Bliss, Charles.
Beecher, Francis J.
Burns, Robert.
Brooks, Samuel.
Brown, John J.
Burke, James.
Blake, John.
Bliss, John.
Beiner, Henry W. F.
Bartens, Charles W.
Bloxom, Frederick.
Baugh, Francis A.

Corcoran, John.
Coffie, Henry.
Connelly, James.
Costello, William.
Costello, Thomas.
Cowan, John.
Connor, James.
Corbett, Henry F.
Canuon, Percy W.

Da Bear, Solomon.
Daley, Samuel.
Donnelly, Hugh.
Donohoe, Edward J.

Firth, Obed A.
Fricke, John.
Fischer, Otto C.

Gardinier, Albert.
Grownny, James.
Gary, John.

Hughes, Edward.
Hebert, Henry B.
Hahn, Joseph.
Hunt, Edward A.
Harring, Patrick.
Hurley, John.
Hazelton, William.
Hacket, Stephen.
Hetner, George W.
Harsh, Forest.

Krotlenthaler, H. A.
Klein, Alfred.
Kaufmann, Gustavus J.

Lubbin, Charles A.
Linssen, C. C.
Larkin, Wallace.
Luca's, John F.
Lyons, Charles V.
Lindner, Jacob.

Matthews, Thomas.
McFarland, Harry D.
Mierson, Henry.
McGuire, Joseph.
Murphy, George.
Mullins, William H.
McDuff, James H.
Mahony, James.
Musler, John.
McGhan, Peter.
Mosher, Edward A.
McKillop, John T.
Mayer, Marx.

Nichols, John W.

O'Kane, Simon.
O'Dwyer, George.
O'Brien, Michael.

O'Keefe, Augustus V.
O'Donnell, Thomas B.

Payne, Charles.
Phillips, William H.

Rinn, Terrence P.
Rogers, Edward A.
Reilly, Michael.
Regner, William.
Rowe, Leslie.

Skallon, James.
Stanton, Thomas.
Sattler, John.
Schatt, William.

Smith, John W.
Scully, Benjamin F.
Swint, Michael.

Thompson, Thomas M.
Traginsky, Henry J. G.

Wartman, Jesse.
Willow, Stephen F.
Westbrook, Edward M.
Worth, John.

Yanowitz, Adolph.

Zaiss, Alfred.
Zimmerman, Adam.

FEMALES.

Armour, Elizabeth.

Barrett, Julia.
Bollard, Margaret.
Bolger, Henrietta.
Bliss, Barbara.
Bergen, Catharine E.
Buttel, Gretchen.
Berean, Adella G.
Buckalew, Irene.
Bailey, Sarah.
Brann, Mary A.

Crawford, Mary E.
Coffey, Margaret.
Collins, Mary.
Creagle, Gertrude M.
Casey, Elizabeth.
Cameron, Margaret.
Corbett, Mary J.
Cary, Anna.

Doris, Ellen.
Donovan, Mary.
Duffy, Ellen.
Dunner, Elizabeth.
Durgan, Chloe C.
Dearine, Ida L.
Donohoe, Maria A.

Eddy, Jessie M.
English, Annie M.

Fichtel, Amelia D.
Flynn, Elizabeth.
Flint, Ellen.
Francis, Margaret A.
Foley, Rose Ella.
Fay, Julia.

Grieshaber, Elizabeth.
Ginger, Elizabeth S.
Gorman, Mary.
Gillis, Lucy.
Garaghty, Emma.
Gephart, Margaret.

Hicks, Susan W.
Henderson, Minnie.
Hurst, Ada.
Hennessy, Elizabeth T.
Holley, Catharine F.
Hilton, Esther A.
Hayes, Frances H.
Horton, Agnes B.
Hogan, Mary E.
Hancock, Ida.
Henry, Nellie.
Hein, Fannie A.
Haffner, Annie C.

Johnson, Delia M.
Jackson, Isadore.

Kelly, Elizabeth.

Kauffunger, Rosa L.

Lent, Josephine.

Lochmond, Rosa.

Lazarus, Mary.

Lyons, Mary.

Lanthier, Emily.

Levy, Matilda.

Murphy, Ellen T.

Meyer, Frances B.

Miner, Mary.

McMahan, Annie.

Mullane, Ellen.

Mullany, Darendra.

Mulholland, Emily.

Malone, Mary.

McDonald, Alice C.

Murtha, Anna.

McGuire, Annie.

Manning, Margaret.

Menter, Catharine.

Miller, Amelia.

Mulholland, Mary R.

McCormick, Mary.

Meehan, Rebecca A.

McCarthy, Bridget.

Nolan, Ann.

Newman, Jennie.

O'Neill, Catherine.

O'Halloran, Elizabeth.

O'Keefe, Catharine.

O'Neill, Mary.

Offermann, Sophia W.

Parkinson, Annie E.

Purdy, Susie V.

Pfister, Eliza.

Price, Emma.

Regan, Julia.

Reed, Lillie B.

Rogers, Flora E.

Shea, Margaret.

Smith, Mary Ann.

Smith, Margaret A.

Schlosser, Catherine.

Schaefer, Matilda.

Stanton, Catherine F.

Strobel, Ellen.

Staab, Sophia.

Shea, Annie.

Stafford, Mary.

Smith, Mary E.

Turner, Emma.

Vassar, Mary Ann.

Vials, Minnie P.

White, Abigail.

Wallen, Lillian.

Williams, Margaret.

Wyatt, Frederica.

Wright, Eleanor.

Webber, Angeline.

White, Sarah J.

Young, Fay M.

Young, Janette E.

STATE OF NEW YORK.

No. 16.

IN ASSEMBLY,

JANUARY 12, 1881.

COMMUNICATIONS

FROM THE GOVERNOR, SUBMITTING A STATEMENT
OF PARDONS, COMMUTATION OF SENTENCE AND
REPRIEVES, FOR THE YEAR 1880.

STATE OF NEW YORK :

EXECUTIVE CHAMBER,
ALBANY, *Jan. 12, 1881.* }

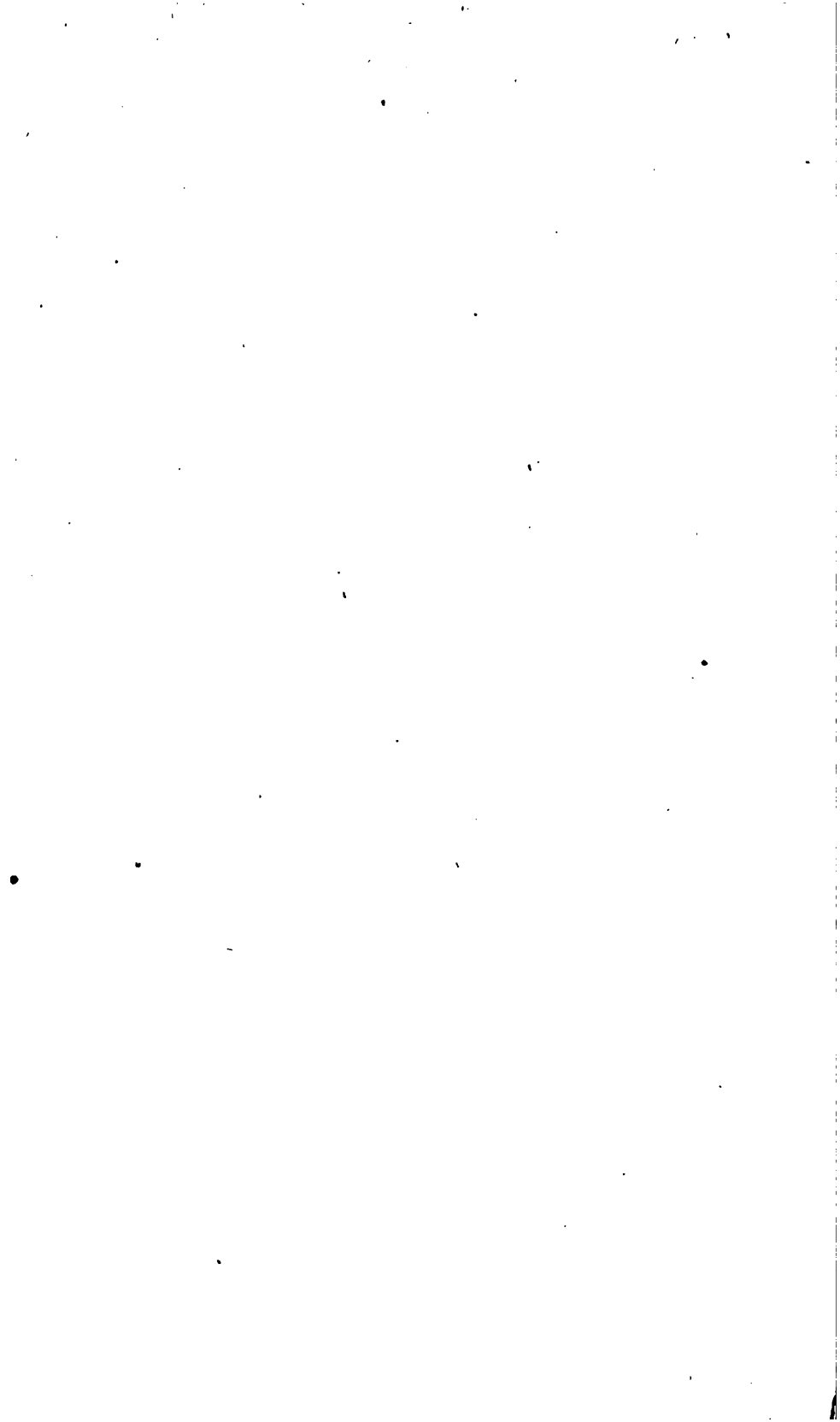
To the Legislature :

Herewith is respectfully communicated a statement of each case of reprieve, commutation or pardon, granted during the year 1880, with such particulars relating to the same as the Constitution requires.

ALONZO B. CORNELL.

[Assem. Doc. No. 16.]

1



STATEMENT

OF PARDONS, COMMUTATIONS OF SENTENCE AND REPRIEVES, GRANTED BY THE GOVERNOR, FOR THE YEAR 1880.

PARDONS.

- January 14, 1880. William J. Damon. Sentenced December 29, 1879; county, Erie; crime, vagrancy; term, sixty days; prison, Erie county penitentiary.
- January 22, 1880. John Hogan. Sentenced December 11, 1879; county, Onondaga; crime, assault and battery; term, ninety days; prison, Onondaga county penitentiary.
- January 24, 1880. Elizabeth Dean. Sentenced September 9, 1879; county, Oneida; crime, assault and battery; term, six months; prison, Onondaga county penitentiary.
- January 28, 1880. Joseph Rheon. Sentenced January 9, 1880; county, St. Lawrence; crime, petit larceny; term, three months; prison, Onondaga county penitentiary.
- February 13, 1880. Chauncey Avery. Sentenced December 11, 1878; county, Chenango; crime, petit larceny; term, ninety days; prison, Chenango county jail.
- February 13, 1880. Ambrose Suits. Sentenced December 3, 1877; county, Monroe; crime, grand larceny; term, three years; prison, Monroe county penitentiary. Upon condition that he shall leave this State immediately upon his release, and shall not return within three years from the date of this pardon.
- February 17, 1880. Benjamin D. Francis. Sentenced December 20, 1879; county, Tompkins; crime, petit larceny; term, six months; prison, Monroe county penitentiary.
- February 17, 1880. Dewey J. Boyce. Sentenced September 10, 1877; county, Sullivan; crime, burglary and larceny; term, four years; prison, Clinton.

- March 4, 1880. George Cook. Sentenced December 2, 1878; county, Erie; crime, grand larceny; term, two years; prison, Erie county penitentiary.
- March 10, 1880. Jacob Hickman. Sentenced February 20, 1880; county, New York; crime, assault and battery; term, two months; prison, New York county penitentiary.
- March 11, 1880. Thomas Degan. Sentenced April 1, 1876; county, Oswego; crime, robbery in the first degree; term, seven years; prison, Auburn. (Died before the pardon reached the prison.)
- March 18, 1880. Elijah J. Melius. Sentenced September 11, 1879; county, Chenango; crime, embezzlement; term, one year; prison, Auburn. Upon condition that he shall leave this State immediately upon his release, and shall not return within two years from the date of this pardon.
- March 19, 1880. Erastus Owens. Sentenced February 9, 1880; county, Cayuga; crime, intoxication; term, sixty days; prison, Cayuga county jail.
- March 23, 1880. Michael O'Donnell. Sentenced March 10, 1880; county, Montgomery; crime, intoxication and disorderly conduct; term, one hundred and fifty days; prison, Albany county penitentiary.
- March 26, 1880. Jennie Wildey. Sentenced February 5, 1880; county, New York; crime, grand larceny; term, two years and six months; prison, New York county penitentiary. Upon condition that she shall leave this State immediately upon her release, and shall not return within two years and six months from the date of this pardon.
- March 26, 1880. Dora McKinzie. Sentenced January 21, 1880; county, Oswego; crime, assault and battery; term, ninety days; prison, Onondaga county penitentiary.
- March 27, 1880. Fred. Robinson. Sentenced September 10, 1878; county, Allegany; crime, burglary in the third degree; term, two years; prison, Auburn.
- April 1, 1880. Frank A. White. Sentenced March 8, 1880; county, Niagara; crime, intoxication and disorderly conduct; term, four months; prison, Erie county penitentiary.
- April 1, 1880. Camelia Coleman. Sentenced January 9, 1880; county, New York; crime, receiving stolen goods; term, six months; prison, New York county penitentiary. Upon condition that she be taken to the House of the Good Shepherd, or some other reformatory immediately upon her release, and remain an inmate for six months, or longer.
- April 10, 1880. Robert Neeley. Sentenced October 7, 1876; county, Cortland; crime, burglary and larceny; term, fifteen years; prison, Auburn. Upon condition that he shall leave this

State immediately upon his release, and shall not return until after the expiration of the term of his original sentence.

April 14, 1880. Richard Egan. Sentenced May 29, 1877; county, New York; crime, grand larceny; term, five years; prison, Sing Sing.

April 15, 1880. Hugh Norton. Sentenced September 19, 1879; county, Albany; crime, breach of the peace; term, eleven months; prison, Albany county penitentiary.

April 20, 1880. John Carney. Sentenced June 17, 1879; county, Clinton; crime, felonious assault; term, two years; prison, Clinton. Upon condition that if he be found intoxicated at any time prior to the expiration of the term for which he was sentenced, this pardon shall become void and inoperative, and he shall be returned to the prison and be made to serve out his unexpired term.

May 22, 1880. Joseph Carroll. Sentenced September 29, 1879; county, Kings; crime, grand larceny; term, —; prison, Elmira Reformatory.

June 4, 1880. Patrick Short, Jr. Sentenced June 3, 1875; county, Erie; crime, assault to harm and grand larceny after felony; term, twelve years; prison, Auburn. It appearing that the primary and leading cause to the commission of the offense for which he was convicted was the intemperate use of intoxicating liquor, this pardon is therefore granted only upon condition that the said Patrick Short, Jr., shall totally abstain from the use of intoxicating liquor during the remainder of the time for which, but for this pardon, he would have been liable to imprisonment; and in the event of his not complying at all times with this condition this pardon shall cease and become inoperative and he shall be arrested and imprisoned according to his sentence.

June 14, 1880. John McDonald. Sentenced April 21, 1879; county, Kings; crime, attempt at burglary in the third degree; term, one year and six months; prison, Kings county penitentiary.

June 16, 1880. Patrick Nugent. Sentenced January 20, 1880; county, Wyoming; crime, assault with a dangerous weapon; term, one year; prison, Erie county penitentiary. It appearing that the primary and leading cause to the commission of the offense for which he was convicted was the intemperate use of intoxicating liquor, this pardon is therefore granted only upon condition that the said Patrick Nugent shall totally abstain from the use of intoxicating liquor during the remainder of the time for which, but for this pardon, he would have been liable to imprisonment; and in the event of his not complying at all times with this condition this pardon shall cease and become inoperative, and he shall be arrested and imprisoned according to his sentence.

June 17, 1880. William C. Parker. Sentenced December 21, 1877; county, Ontario; crime, robbery in the first degree; term, five years and six months; prison, Auburn.

June 29, 1880. Leslie Hironymus. Sentenced December 1, 1879; county, New York; crime, assault to harm; term, five years; prison, Sing Sing. Upon condition that he shall immediately leave this State upon his release and shall not return during the remainder of the time for which, but for this pardon, he would have been liable to imprisonment; and in the event of his not complying with this condition, this pardon shall cease and become inoperative and he shall be arrested and imprisoned according to his sentence.

July 15, 1880. Charles Baker. Sentenced January 6, 1879; county, New York; crime, forgery in the third degree; term, three years; prison, New York county penitentiary. Upon condition that he shall immediately leave this State upon his release and shall not return during the remainder of the time for which, but for this pardon, he would have been liable to imprisonment, and in the event of his not complying with this condition, this pardon shall cease and become inoperative, and he shall be arrested and imprisoned according to his sentence.

October 14, 1880. Charles Harris. Sentenced April 16, 1875; county, New York; crime, burglary in the first degree; term, fifteen years; prison, Sing Sing; transferred to Auburn. Upon condition that he, on the twentieth day of this month of October, 1880, depart from this State and country and never return to the same; and in the event of his not complying with this condition in every particular, this pardon shall cease and become inoperative, and he shall be arrested and imprisoned according to his sentence.

December 9, 1880. Henry Parrot. Sentenced July 6, 1880; county, Clinton; crime, assault and battery; term, six months and to pay a fine of fifty dollars or stand committed until paid; prison, Clinton county jail.

COMMUTATIONS.

March 10, 1880. Thomas Smith. Sentenced December 15, 1877; county, Kings; crime, burglary in the second degree; term, ten years; prison, Kings county penitentiary. Sentence commuted to two years and six months, from December 15, 1877, and will terminate the 14th day of June, 1880.

March 24, 1880. William Gill. Sentenced February 2, 1875; county, New York; crime, robbery in the first degree; term, twenty years; prison, Sing Sing; transferred to Clinton. Sentence commuted to eight years, from February 2, 1875, subject to the legal deduction for good conduct.

March 24, 1880. Ella Mead. Sentenced May 28, 1879; county, New York; crime, assault with intent to kill; term, five years; prison, New York county penitentiary. Sentence commuted to

one year, from May 28, 1879, and will terminate the 27th day of May, 1880.

March 27, 1880. Henry Lang. Sentenced September 10, 1875; county, New York; crime, burglary in the second degree; term, ten years; prison, Sing Sing; transferred to Auburn. Sentence commuted to seven years, from September 10, 1875, subject to the legal deduction for good conduct.

April 20, 1880. Albert G. Shapland. Sentenced January 30, 1880; county, Oneida; crime, petit larceny; term, one hundred and eighty days; prison, Onondaga county penitentiary. Sentence commuted to three months, from January 30, 1880, and will terminate the 29th day of April, 1880.

May 6, 1880. Joel Odell. Sentenced April 12, 1880; county, Jefferson; crime, violation of the excise law; term, sixty days; prison, Jefferson county jail. Sentence commuted to thirty days, from April 12, 1880, and will terminate the 11th day of May, 1880.

May 10, 1880. George Buck. Sentenced July 17, 1877; county, Washington; crime, burglary; term, five years; prison, Clinton. Sentence commuted to three years and nine months, from July 17, 1877, subject to the legal deduction for good conduct.

May 15, 1880. Byron Fluno. Sentenced September 22, 1877; county, Jefferson; crime, burglary in the third degree; term, six years; two sentences of three years each; prison, Auburn. Sentence commuted to three years and six months, from September 22, 1877, subject to the legal deduction for good conduct.

May 15, 1880. William O'Brien. Sentenced January 26, 1880; county, New York; crime, assault and battery; term, one year; prison, New York county penitentiary. Sentence commuted to four months, from January 26, 1880, and will terminate the 25th day of May, 1880.

May 15, 1880. Samuel L. Mendes. Sentenced April 12, 1878; county, New York; crime, sending a threatening letter; term, four years; prison, Sing Sing. Sentence commuted to two years and eight months, from April 12, 1878, subject to the legal deduction for good conduct.

May 21, 1880. Daniel Doyle. Sentenced February 21, 1880; county, Albany; crime, petit larceny; term, six months; prison, Albany county penitentiary. Sentence commuted to three months from February 21, 1880, and will terminate the 20th day of May, 1880.

June 9, 1880. Richard Donovan. Sentenced March 15, 1880; county, Erie; crime, assault and battery; term, six months; prison, Erie county penitentiary. Sentence commuted to three months from March 15, 1880, and will terminate the 14th day of June, 1880.

- June 9, 1880. James D. Barber. Sentenced February 12, 1879; county, Cattaraugus; crime, burglary in the third degree; term, two years; prison, Erie county penitentiary. Sentence commuted to one year and seven months, from February 12, 1879, subject to the legal deduction for good conduct.
- July 3, 1880. Hugh Develin. Sentenced July 11, 1878; county, New York; crime, assault with intent to kill; term, six years; prison, Sing Sing. Sentence commuted to two years and six months, from July 11, 1878, subject to the legal deduction for good conduct.
- July 15, 1880. Louis Laundry. Sentenced January 20, 1880; county, Rensselaer; crime, seduction under promise of marriage; term, two years; prison, Clinton. Sentence commuted to six months, from January 20, 1880, and will terminate the 19th day of July, 1880.
- August 2, 1880. Nelson Gaylord. Sentenced December 9, 1878; county, Westchester; crime, grand larceny; term, three years; prison, Albany county penitentiary. Sentence commuted to two years, from December 9, 1878, subject to the legal deduction for good conduct.
- August 16, 1880. Union C. Osterhout. Sentenced June 22, 1880; county, Otsego; crime, assault and battery; term, six months; prison, Albany county penitentiary. Sentence commuted to sixty days, from June 22, 1880, and will terminate the 21st day of August, 1880.
- October 14, 1880. Joseph Cronthers. Sentenced December 21, 1877; county, Ontario; crime, robbery in the first degree; term, five years and six months; prison, Auburn. Sentence commuted to three years and nine months, from December 21, 1877, subject to the legal deduction for good conduct.

REPRIEVES.

- January 29, 1880. Nathan Orlando Greenfield. Sentenced October, 1879; county, Onondaga; crime, murder in the first degree; term, to be hanged December 12, 1879, reprieved December 10, 1879, until Friday the 30th day of January, 1880; prison, Onondaga county jail. Reprieved until Friday the 27th day of February, 1880.
- February 24, 1880. Nathan Orlando Greenfield. Sentenced October, 1879; county, Onondaga; crime, murder in the first degree; term, to be hanged December 12, 1879, reprieved December 10, 1879, until Friday the 30th day of January, 1880, and again reprieved January 29, 1880, until Friday the 27th day of February, 1880; prison, Onondaga county jail. Reprieved until Friday the 23d day of April, 1880.
- March 15, 1880. Henry Moett. Sentenced February, 1880; county,

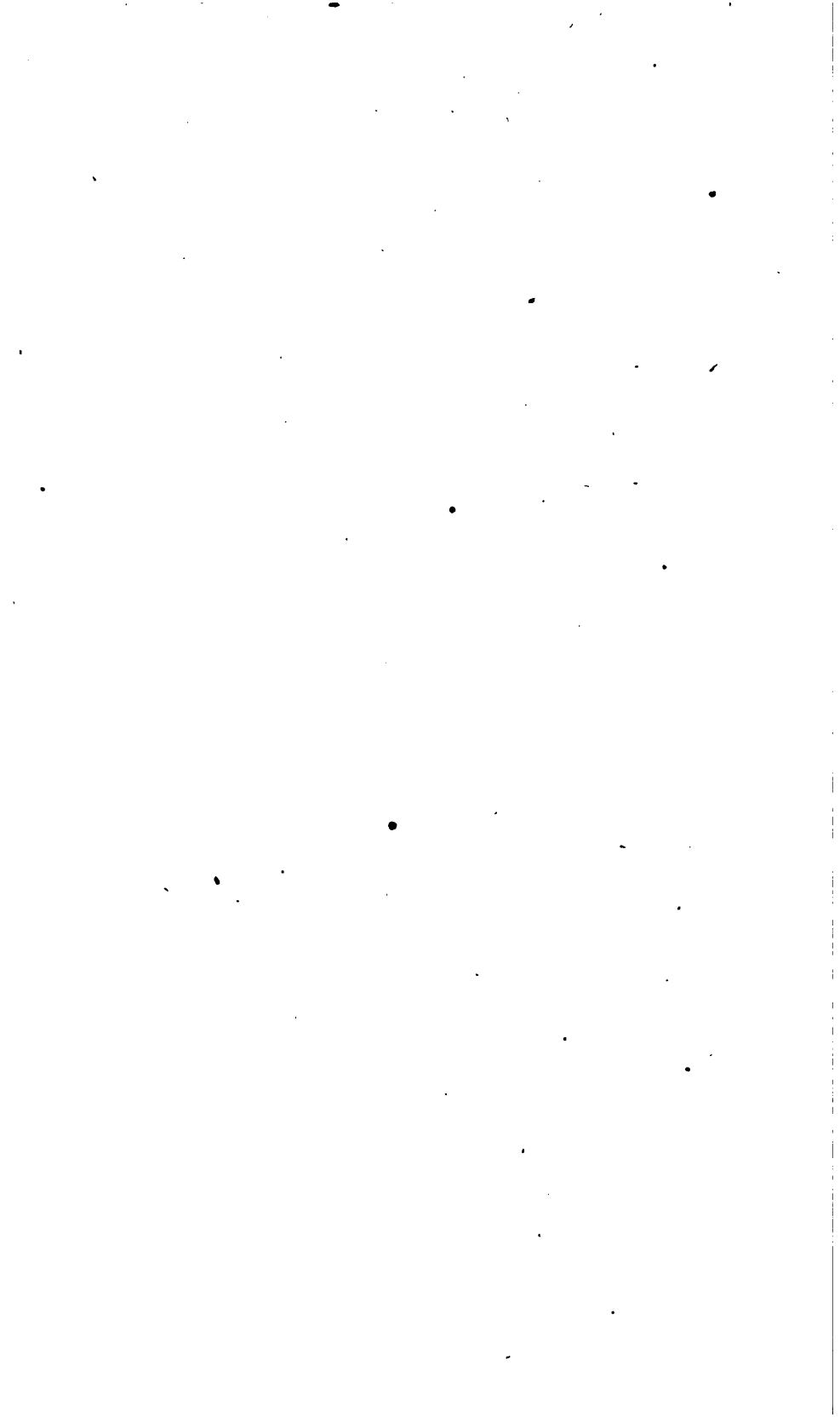
Columbia; crime, murder in the first degree; term, to be hanged March 19, 1880; prison, Columbia county jail. Reprieved until Friday the 30th day of April, 1880.

March 24, 1880. Carl otherwise called Charles Manke. Sentenced January, 1880; county, Erie; crime, murder in the first degree; term, to be hanged April 2, 1880; prison, Erie county jail. Reprieved until Friday the 14th day of May, 1880.

May 22, 1880. Chastine Cox. Sentenced July, 1879; county, New York; crime, murder in the first degree; term, to be hanged August 29, 1879; stay of proceedings granted and resented to be hanged May 28, 1880; prison, New York county jail. Reprieved until Friday the 16th day of July, 1880.

May 22, 1880. Pietro Balbo. Sentenced December, 1879; county, New York; crime, murder in the first degree; term, to be hanged January 16, 1880; stay of proceedings granted and resented to be hanged May 28, 1880; prison, New York county jail. Reprieved until Friday the 6th day of August, 1880.

[Assem. Doc. No. 16.] 2



TENTH ANNUAL REPORT

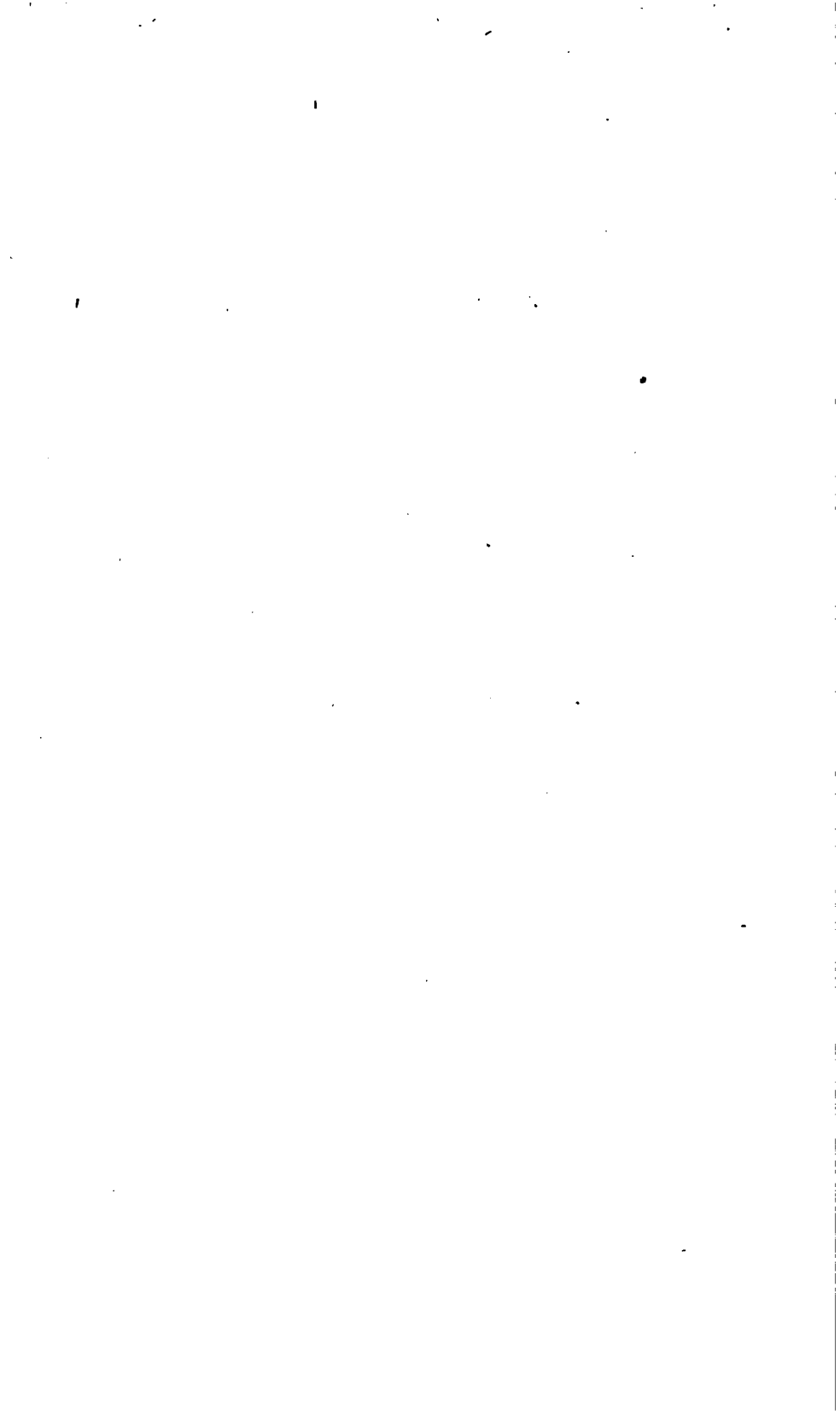
OF THE

State Homœopathic Asylum for the Insane

AT MIDDLETOWN, N. Y.

TRANSMITTED TO THE LEGISLATURE JANUARY 12, 1881.

ALBANY :
WEED, PARSONS AND COMPANY, PRINTERS.
1881.



STATE OF NEW YORK.

No. 17.

IN ASSEMBLY,

JANUARY 12, 1881

TENTH ANNUAL REPORT
OF THE STATE HOMŒOPATHIC ASYLUM FOR THE
INSANE AT MIDDLETOWN, N. Y.

MIDDLETOWN, N. Y., *January 12, 1881.*

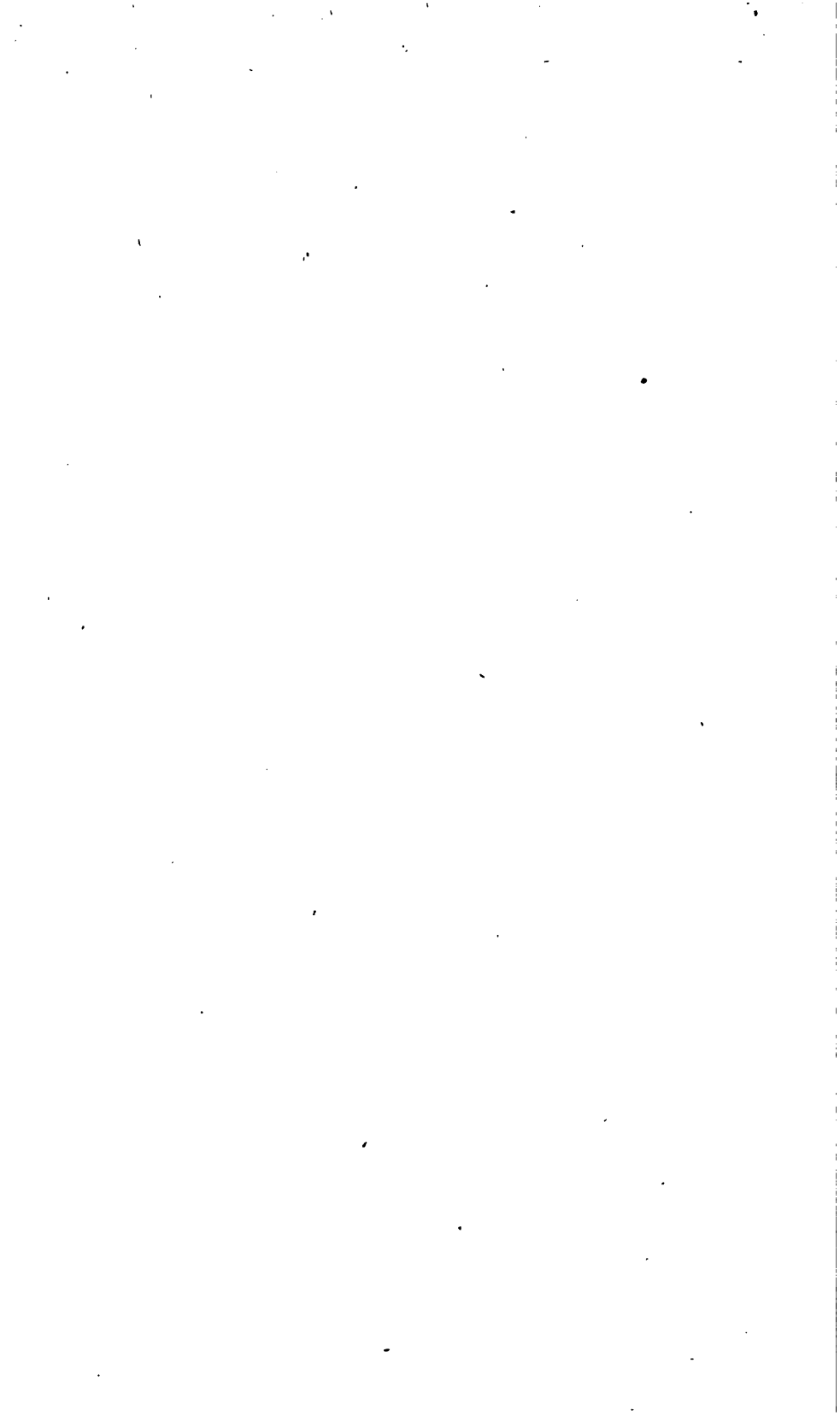
To the Hon. GEORGE H. SHARPE,

Speaker of the Assembly:

SIR — I have the honor to transmit to you the Tenth Annual Report of the State Homœopathic Asylum for the Insane at Middletown, and beg that you will present the same to the Legislature, in the house of the Assembly.

FLETCHER HARPER,

President.



OFFICERS.

TRUSTEES.

FLETCHER HARPER,	<i>President.</i>
GRINNELL BURT,	<i>Vice-President.</i>
M. D. STIVERS,	<i>Secretary.</i>
UZAL T. HAYES,	<i>Treasurer.</i>

HON. JOHN WILKIN,	JOSHUA DRAPER, M. D.,
EGBERT GUERNSEY, M. D.,	HON. JAMES G. GRAHAM,
DANIEL THOMPSON,	HON. WILLIAM HERRING,
JAMES H. NORTON,	WILLIAM VANAMEE,
HIRAM W. SIBLEY.	

OFFICERS OF THE ASYLUM.

SELDEN H. TALCOTT, A. M., M. D.,	<i>Medical Superintendent.</i>
WILLIAM M. BUTLER, A. M., M. D.,	<i>First Assistant Physician.</i>
N. EMMONS PAINE, A. M., M. D.,	<i>Second Assistant Physician.</i>
MISS GEORGIE HORTON,	<i>Lady Assistant.</i>
JOHN COCHRAN,	<i>Steward.</i>

SUPERVISORS.

W. E. COOK,	MISS M. A. CRANE.
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REPORT OF TRUSTEES.

To the Legislature of the State of New York:

The tenth annual report of the State Homœopathic Asylum for the Insane is herewith respectfully submitted.

This report is for the fiscal year ending September 30, 1880.

The period in question has been fruitful with good results at the asylum under our charge. No epidemic has visited us; the general health of the establishment has been good; the ratio of recoveries is higher than during any of the five preceding years, and the death-rate has been lighter than ever before in the institution's history. These very satisfactory results are due, we believe, to improved sanitary regulations, to a better and more generous diet, afforded by increased facilities on the farm for the production of fresh fruits and vegetables, to the addition, both within and without, of more cheerful and healthful surroundings, and to the ripening experiences and unabated zeal of those whose duty it is to have immediate charge of the patients.

COMMITTEES.

The committees to whom are intrusted the special branches of management remain as follows:

Executive Committee — Vanamee, Stivers, Hayes and Wilkin.

Building Committee — Draper, Thompson and Burt.

Visiting Committee — Guernsey, Graham, Herring and Wilkin.

CHANGE OF TRUSTEES.

On the 1st of October, 1879, Hon. N. W. Vail resigned the position of trustee to accept that of building superintendent, to which post he was assigned by Gov. Robinson, and charged with the duty of supervising the erection of pavilion No. 2.

Judge John G. Wilkin was duly appointed by the governor to fill the vacancy thus occasioned, and this appointment was afterward confirmed by the senate.

No other changes have occurred in the board of managers during the year just ended.

GREEN-HOUSE.

In the month of October, 1879, the erection of a green-house for the cultivation of plants and flowers for the buildings and grounds was begun. It was finished the following December. Contributions of plants were made liberally by the generous inhabitants of Middletown — and here we specially remember the gifts of John Wilkin, Esq. — and the new enterprise progressed most favorably until the spring of 1880, when we had 27,000 plants and shrubs under glass. With these the grounds of the asylum were beautified and adorned as never before.

The plans for the green-house, together with the heating and ventilating apparatus, were designed and executed by Hon. N. W. Vail, at that time chairman of the building committee, and by Dr. Talcott, the medical superintendent. The results of this new work have been made manifest in the marked improvement of the grounds in front of the institution, in the profusion of flowers furnished to the wards, and in supplying to some of the convalescent patients needed diversion and employment.

Nothing is more cheering or stimulating to the insane than the care and cultivation of flowers. No enterprise yields larger returns of satisfaction and pleasure than this. No expenditure which we have yet made has been more fully repaid by happy reimbursements.

PAVILION No. 2.

Ground was broken for pavilion No. 2 late in the fall of 1879. The excavation for foundations was completed, and the concrete bottom laid and covered before severe freezing weather set in. There was a delay of nearly two months after the plans were procured and contracts let by the building committee, in securing the approval of the State comptroller, which was required by law. This delay, during which time the price of labor and building material rapidly rose, has caused an additional expense of construction, amounting in the aggregate to about \$15,000. It also defers, by some months, the final completion and fitting of the building for occupancy. This is to be regretted, as the building is already much needed for the use of patients now here, as well as for those who are awaiting the opportunity to avail themselves of the privileges which the institution affords.

During the past summer, however, the work has been pushed forward with commendable rapidity, and it is now expected that the building will be ready for use by the 1st of March, 1881.

In the construction of pavilion No. 2, a reasonable care has been exercised to comply with the requirements of architectural taste; to secure comfort, convenience, strength and durability; and also to meet the popular demand for wise economy in the matter of

public buildings. We believe all these objects have been attained. While the general outline of pavilion No. 2 corresponds with that of pavilion No. 1, there have yet been many changes, internally (and some externally), which changes have been made for the purpose of securing increased capacity, greater durability, and most thorough economy. Instead of ornamenting the new building with numerous and lofty pinnacles and turrets, there project from the main roof only necessary ventilators. The fourth story (which in pavilion No. 1 is but a useless garret) has been fitted for a ward, and thereby the capacity of the building is increased nearly twenty-five per cent. The additional expense thus incurred is comparatively slight. On the other floors every foot of space has been wisely assigned to useful purposes, and consequently there are no wastes of room such as are at present noticeable in the wing first built.

The capacity of pavilion No. 2 is ample for the accommodation of at least 175 patients. The cost of construction, including all the details of finishing, will not exceed the amount already appropriated—namely, \$150,000. When it is considered that the building is not a temporary structure, but is designed to last at least a century, and is for the care and safe retention and treatment of the most dangerous and destructive class of patients which the community affords, it will, we think, be plainly discernible that only judicious economy could furnish a building replete with every sanitary requirement and necessary safeguard, for a sum averaging less than \$1,000 per patient. The accomplishment of this end is due to the untiring efforts of the building committee, the building superintendent, and the architect.

Mr. Carl Pfeiffer, of New York, drew up the plans for the building; Messrs. D. C. Weeks & Son were the contractors for the carpenter and mason work; and Hon. N. W. Vail has acted, most energetically, as building superintendent. These gentlemen have thus far fulfilled the expectations of the board of trustees; and when their duties are completed, under the general supervision of the building committee, we feel confident that the new asylum building—the result of their combined efforts—will compare favorably with any similar work in this country.

The steam-heating apparatus of pavilion No. 2 is put in by Francis Woodward, of New York; and the plumbing is done by I. R. Vanduzer & Co., of Middletown.

CORRIDOR AND SUB-WAY.

To properly connect pavilion No. 2 with the administrative building, there is being built a corridor, 170 feet in length and of tasty design. Through the basement of this corridor is to be laid a track, for the conveyance of food in a car, from the kitchen to the elevators in the new wing. Above the basement, on the first and only floor of the corridor, is a passage-way, adorned with semi-

octagons for the reception of green-house plants. This passage-way is for the accommodation of workers and visitors; it is similar to that leading to pavilion No. 1.

From the boiler-house—360 feet in the rear—through an oval sub-way, small and inconvenient, formerly passed all the pipes supplying the asylum with steam, water for washing, and water for drinking and cooking purposes; together with the various waste and return pipes. It was found necessary, when the question of heating the new pavilion came up, to build a new sub-way; and it was determined to construct one that would be convenient, enduring, and capacious enough for all possible future needs. The new sub-way was laid out on the most direct route between the boiler-house and the main building; and from this, at proper points, passages were cut to each wing, thereby effecting a saving in distance, over the old route, in the transmission of steam, of more than 200 feet.

The new sub-way is built of brick, laid in cement, the walls being sixteen inches thick and resting upon a solid concrete bottom, the latter being one foot thick. The top is arched with eight inches of brick and six inches of concrete, over which is a coating of coal tar, and the whole is covered with earth. The passage-way for pipes, thus prepared, is six and one-half feet high and five feet wide. To the side walls are fastened heavy brackets, with cast-iron rollers, on which rest the various steam, water and return pipes. The facilities for examining and repairing these pipes are now most excellent, and the delays in making repairs, hitherto unavoidable, are no longer a grim necessity. New pipes, of larger caliber than those formerly in use, have been placed in the new sub-way; thereby the work of heating all the buildings is made easier and more satisfactory than heretofore. These pipes have been covered with Reed's non-conducting material.

BOILER-HOUSE.

The old boilers have been thoroughly overhauled, repaired and reset. An addition to the boiler-house, for the accommodation of boilers for the new wing, has been built. The internal dimensions are 20x36, ample room being thus afforded. A new boiler, manufactured by Delaney, of Newburgh, N. Y., has been placed in the addition. We have now four large boilers in excellent running order; and in these, we believe, all the steam needed for heating the buildings, for cooking in the kitchen, for running the machinery in the laundry and work-shops, can be readily generated.

FARM AND GARDEN.

During no year in the asylum's history has the farm been more productive in grains, grasses and fruits; nor has the garden ever before borne such a burden of luxuriant vegetation. The crops of corn, oats and potatoes have been goodly in size and of

the best quality. The orchards have yielded their fruitage of apples, peaches, pears and cherries in such quantities as to afford an unfailing supply to the wards during the summer and autumn months.

The garden, in addition to green crops, has furnished nearly all the berries (of various sorts) and grapes that could be consumed by the inmates.

The estimated value of farm and garden produce for the year, at extremely moderate rates, amounts to \$4,519.26; and the wages paid, for the cultivation of these crops, have aggregated to \$1,142.92. Much of the light work on the farm and in the garden was performed by convalescent patients.

The success of the farming operations is largely due to the fact that the lands now under cultivation have been thoroughly underdrained and heavily manured, and also to the fact that a careful system of rotation of crops has been inaugurated.

PARK.

The grounds in front of the asylum were laid out last spring by a landscape gardener, and a portion of them adorned with choice groups of shrubs and evergreens. New walks were also constructed; also numerous large beds for foliage and flowering plants. These improvements have added greatly to the beauty and attractions of the place, and should be continued, we think, although expenditures like these must of necessity be restricted to reasonable limits.

APPROPRIATIONS.

On the completion of the new pavilion it will be necessary to place the adjacent grounds in suitable condition for use, by grading, by building walks, by planting shade trees, and by putting up high fences.

We also need funds with which to furnish the wards of the new building.

We therefore ask of your honorable body the following appropriations:

For grading, walks, and other improvement of grounds.	\$6,000 00
For high fences around yards	3,000 00
For furniture for new building, pavilion No. 2.....	8,000 00
For widening and deepening the Monhagen creek, to facilitate drainage of buildings and farm lands.....	3,000 00
Total	<u>\$20,000 00</u>

These appropriations are all imperatively needed.

REVIEW.

It appears proper to state, in this connection, the happy fact that the very important work of erecting a new pavilion, now nearing its completion, and which will practically perfect the establishment according to the original plans, will be finished *within the limits* of the sum first asked for, namely, \$150,000. And in addition to the building itself, to whose completion for the above-named sum the trustees were pledged, there is a fair prospect of including, without increased cost, all the necessary appurtenances, to wit: the corridor, the sub-way, the line of pipes for steam and water, and the addition to the boiler-house. These results challenge scrutiny and criticism.

The report of the treasurer and medical superintendent, herewith appended, are worthy of perusal, as they develop both continued financial prosperity and the happy effects of homœopathic medication of the insane.

In conclusion we present this report to the legislature of the State of New York, conscious of the great trust that has been imposed upon us, and confident that a candid criticism of our official acts will meet with just approval.

Respectfully submitted,

FLETCHER HARPER,
President.

"A."

TREASURER'S REPORT.

U. T. Hayes, treasurer, in account with "The State Homœopathic Asylum for the Insane," at Middletown, N. Y.

Dr.

Sept. 30, 1879.	
To cash on hand as per report of 1879.....	\$17,184 97
Sept. 30, 1880.	
To cash received from State comptroller.....	78,950 00
private patients.....	27,257 75
county patients.....	22,954 00
patients' clothing.....	1,920 27
house-furnishing destroyed.....	114 57
farm produce sold.....	36 50
medical supplies sold.....	20 75
steward's " ".....	91 60
interest on accounts over due.....	252 51
" on deposits from banks.....	659 39
	<hr/>
	\$149,442 31
	<hr/>
Sept. 30, 1880. To balance (cash on hand).....	\$17,572 77
	<hr/>

Cr.

Sept. 30, 1880.	
By cash paid for steward's supplies.....	\$17,673 74
medical supplies and library.....	860 87
patients' clothing.....	1,870 29
postage and stationery.....	676 99
travel.....	339 13
fuel and light.....	8,953 98
farm expenses, wages, feed, etc.....	2,342 25
wages.....	13,534 59
officers' salaries.....	8,000 00
engineer's supplies and repairs.....	1,181 29
house-furnishing.....	2,900 95
grading and fencing grounds.....	3,238 74
	<hr/>
Carried forward.....	\$61,572 82

Brought forward.....	\$61,572 82
By cash paid for building repairs and alterations.....	1,243 28
window guards.....	116 47
farm stock.....	582 00
telephone to telegraph office.....	84 00
new boiler and setting.....	1,959 50
cess-pools.....	944 98
water supply.....	216 18
entrance gate.....	1,515 73
green-house.....	729 30
board refunded patients.....	264 28
pavilion building No. 2.....	62,641 00
Balance (cash on hand).....	17,572 77
	<hr/>
	\$149,442 31
	<hr/>

U. T. HAYES,
Treasurer.

At a meeting of the executive committee held at the State Homœopathic Asylum for the Insane at Middletown, N. Y., this day, the foregoing report of the treasurer was examined, duly compared with his vouchers, and the same was found to be correctly stated and balanced.

WILLIAM VANAMEE,
Chairman Executive Committee.

December 31, 1880.

“B.”

SUPERINTENDENT'S REPORT.

To the Board of Trustees :

GENTLEMEN—I take pleasure in presenting, for your consideration, my fourth annual report as medical superintendent of this asylum. It embodies the experiences of a year replete with healthy achievements, as well as a year free from unusual calamity in so far as the workings of this institution are concerned.

That the discussion of medical matters may follow as a natural sequence, we present, at the outset, the usual chart showing the movements of the population at this asylum during the year that is ended:

	Male.	Female.	Total.
Number of patients remaining Sept. 30, 1879.....	77	87	164
Number admitted during year ending Sept. 30, 1880,	76	71	147
Whole number treated.....	153	158	311
Discharged recovered.....	34	27	61
Discharged improved.....	12	12	24
Discharged unimproved.....	20	13	33
Died.....	7	6	13
Highest number present at any one time.....	95	104	199
Remaining at the end of the year.....	80	100	180
Surplus over last year at same time.....	3	13	16

The increase in the number of patients has been moderate. Our limited capacity has prevented the acceptance of all applications from friends of private patients, as we are obliged to reserve accommodations for that class of cases specially favored by law. Moreover the common desire of the friends has been to secure single rooms for their insane; this feeling pervades, to a large extent, the minds of both the rich and the indigent. The single rooms having been taken, the friends of all classes of patients often feel unwilling to accept part of a large room or dormitory, which is now the best that can be offered in many cases. On the completion of the new pavilion in March next, our facilities for affording single rooms, of

moderate size, to those who prefer them will be ample. Already there are several applications for such quarters; hence we deem it of great importance that the building be finished and furnished at the earliest practicable moment, that all who apply for treatment may be promptly received. Besides this, our overcrowded wards for females need to be relieved of their extra burden as soon as practicable. And again we plead for more wards, that we may make an appropriate classification of our insane, which is at present impossible.

We are gratified in being able to state that the percentage of recoveries, for this year, on the whole number discharged, has been 46.56 per cent. This exceeds the results of any previous year, except the first, in the asylum's history. The death-rate has been 4.18 per cent, which is the lightest we have had since the institution was opened. Such a showing proves the effectiveness of homœopathic medication in acute and exhausted cases. To the watchful care and unflagging zeal of officers and attendants, to the gradual perfection of sanitary measures, and to increased hygienic and dietetic facilities these happy results are largely due.

The tables to be found at the end of this report furnish the usual amount of interesting statistics.

RESTRAINT OR NON-RESTRAINT.

That is the question which just now is exciting commendable interest on the part of the public, and comments of varying tone on the part of numerous writers. It is a legitimate question for careful and candid discussion. It is a question upon which the light of experience should be brought to bear with intensest blaze. It is a question, the final settlement of which should be made with great caution and deliberation, and with a view to secure the best possible treatment for the insane, as well as to render justice to those whose duty it is to care for them. It is a question of protean form, and susceptible of endless distortions and numerous complications. It is a question which produces profound anxiety in the breast of every man who assumes the grave responsibility of caring for the helpless victims of dethroned reason. And it is also a question upon which those unfamiliar with its practical bearings sometimes express immature, theoretical and unjust opinions.

Apparently the popular cry at the present time is for *non-restraint* in the treatment of the insane. This cry is sent up by honest philanthropists who desire, as far as possible, the amelioration of those suffering under the visitation of insanity, and whom a benign or other fortune has placed in an asylum for treatment. Coming from such sources this cry should be promptly and tenderly heeded. Should, however, the cry arise from those who wish merely to advertise themselves as the apostles of a philanthropy which they never really possessed, whose whole lives exemplify only the doctrine of greed and gain, and who are practically unfamiliar with the real

inner workings of those beneficent institutions — insane asylums — then the motive of the cry should be considered, that its proper weight may be accurately determined. Still, a reasonable respect for the opinions of all should be constantly cherished. Every man in charge of the insane (or in any other work *pro bono publico*) should be quick to act in response to wise demands from the general public. But far beyond such stimulus should be the honest impulses and convictions of his own heart.

Whence came the famous reformers of asylum abuses in the past? From the populace or from those noble workers whose lives were passed with their patients, behind asylum bars? We are happy to note the fact that institution regeneration has sprung, not from those who carp at the toilers, but from those who toil for the sick in mind, regardless of the sneers of those who carp.

Among the first of those peerless toilers who have labored earnestly to better the condition of the insane, and to unloose the shackles of unnecessary restraint, we find Robert Pinel, *Médecin en Chef de la Salpêtrière*, who in 1792, at the *Bicêtre*, established in part the system of non-restraint in France. Thence the practice spread slowly over Europe; and the beneficent spirit which incited it still works with leavening power throughout the confines of civilization.

Following Pinel came Esquirol, who continued the good work so happily begun. Still, neither of these distinguished French physicians, nor any of their successors were, or have been, able to entirely discontinue the use of restraint. But they put away much that was severe in kind, and greatly reduced the percentage of bodily bondage. More than this they wrought greater reformation than the abolition of restraint by remodelling the abodes of the insane, by introducing a system of decent cleanliness and abundant clothing as a substitute for the filth and rags that once prevailed, and by establishing a full, generous, and varied diet in place of the scanty, half-cooked food formerly furnished.

But the bettered care of lunatics is not wholly due to individual effort but to the spirit of the age in which reforms rise and prosper. That spirit which would tie to the stake and burn to death an innocent being, simply because that being dared to exercise the blessed right of private religious opinion, would, with equal readiness, *punish* with thongs, and dungeons, and starvation, the hapless lunatic of its times. That spirit which recognizes and respects the rights of all religionists, likewise shields and protects from unjustifiable abridgment of their liberties the insane of its times.

Contemporary with Pinel, we find William Tuke laboring for the establishment and maintenance of that monument of goodness and justice, the "Retreat at York" in England. In this asylum was first practiced in Great Britain the benign principle of kindness to the insane, and with it a tendency to the disuse of physical compulsion. In this institution sympathy took the place of severity, and gentle persuasion superseded "stripes" and chains. As a "man-

ager" of retreats for insane William Tuke stands at the head. His grandson, Samuel Tuke, continued in the same course, and at the same work; and thus the unextinguished touch of benign charity was handed down to other strong and willing hands. But these men did not wholly abolish restraint; they simply limited its use to what they considered absolute necessity.

In 1837, however, the feat of abolishing mechanical restraint was achieved, in its fullness, by Charlesworth and Hill at the Lincoln Asylum. This was accomplished in that small institution, after a progressive experiment and persistent attempt of nine years' duration. It was not until 1839 that the great apostle of non-restraint, John Connolly, M. D., began his marvelous work amid the broad opportunities offered in the massive asylum at Hanwell. Whoever reads Dr. Connolly's work on the "Treatment of the Insane," is struck with the plain, frank earnestness of the man; and likewise with his enthusiasm which matches that of Paul in his efforts to convert the Gentiles. That Connolly accomplished mighty deeds in behalf of the insane we think no one will deny. That his example should be imitated everywhere, so far as it is practicable and right, we honestly believe. But there is an old adage that "circumstances alter cases," and we hold that the adage is true in the management of the insane as well as in other matters.

Now non-restraint has been advocated and tried in England, France, Germany, Italy and in the United States. But England has been, thus far, pre-eminently the most successful field for the practice of this method. In France, the home of Pinel, restraint is still in vogue, although in milder and less objectionable forms than in the time of the great philanthropist. In Germany it is still used under the teachings of Van der Kolk and the sanction of the celebrated Leidesdorf. In Italy the necessity for its use is unquestioned. In America, not only in the United States but in the Canadas, restraint is applied, with a strong tendency to careful discrimination we believe, under the direction of some of the most judicious and careful alienists in the land.

Now the question arises: Why is non-restraint practicable in England and why impracticable in other countries? Is it because the English are more humane than others? England boasts of many grand and generous souls, and her history is replete with records of courage; and coupled with the loftiest courage we naturally find those other great qualities of heart, namely, goodness, magnanimity, self-abnegation and charity toward the weak and helpless. But surely, no one familiar with their histories will charge either the Germans, French or Americans with a lack of those same qualities which have rendered famous our English brethren. Moreover we find the desire to dispense with restraint strongly implanted in the hearts of nearly all superintendents of asylums; and its use is deplored, although continued for purposes of safety and benefit.

What, then, are the causes for these varying results of non-restraint in different countries? We think they may be discovered

in the marked diversities of climate, temperament, and *modes of treatment*.

It is proverbial that the climate of England is *quieting* in its tendencies, while that of France is exhilarating, that of Germany exasperating, and that of America is both cosmopolitan and changeable. The English are a slow-going though steadily-progressing people; the French are light, gay, passionate; the Germans phlegmatic, stubborn, irascible; while Americans are "all things to all men." These differing influences of climate, and different forms of temperament, result in governments and modes of life as antipodal as are their causes. If you find these opposing forces in the green wood, how much more in the dry? If the sane differ in thought, speech and action, why not the insane?

But let us examine the *mode of treatment*, as practiced in the English non-restraint asylums. While appliances to the body are dispensed with, there yet remain, in approved use, the padded room and the hands of strong and numerous attendants. The former appears to me objectionable on account of its inevitable uncleanness, the padding quickly becoming charged with the emanations of the confined patient. This padding is of coir (cocoa-nut fiber), and is covered with heavy "ticken," which is readily soiled, but not easily cleaned. These padded rooms are small, and but dimly lighted by an insignificant window near the ceiling.

The *temporary* duress of a patient, at the hands of attendants, is, to me, restraint in its worst form, for it simply amounts to a contest for the mastery between the insane man and his keepers, in which both are extremely liable to lose temper. What can be more humiliating or disgusting than to be held in bondage by the rude hands of attendants who are likely to be selected for such work mainly on account of their superior physical strength. Yet this is a method we are asked to adopt in the place of easy-fitting canvas sleeves, which merely prevent the hands from accomplishing some attempted work of destruction, and which do not prevent the patient's walking about, nor do they put any portion of the body in an unusually constrained position.

Again, the facility with which non-restraint has been practiced in England appears to depend largely upon two causes, namely, the use of soporific and debilitating drugs, and particularly the use of immense quantities of stupefying ale and beer. It is a well-known fact that many of the large English asylums have their own breweries, in which are manufactured the liquors consumed in the establishment. It is also stated by impartial visitors that they have frequently seen inmates at these asylums "too full for utterance." To stupefy the insane with beer may produce a condition of mind which calls for no restraint and little care; and thus the popular demand for non-restraint may be acceded to. But the question arises: What are the results of such treatment? Is it well to fill the body with that which dulls the mind and plunges it into the hopeless pit of dementia, or is it preferable to wisely restrain wild and

vagarious action, temporarily, and with means that can be readily dispensed with? The latter method is under constant control; the former is not. Cases that would undoubtedly recover under mild restraint, with proper diet and appropriate and watchful care, are sometimes hurried into dementia by the unwise course just alluded to. To this fact—that immoderate stimulation with beer and other liquors hinders rather than helps restoration of the insane—the superintendents of some of our Canadian asylums are rapidly awakening, as their recent reports abundantly testify.

Again we ask attention to one of the measures used and commended by Dr. Connolly himself, for the purpose of subduing a violent or excitable patient. He says: "Cold water poured upon the head is sometimes of signal service;" and following this statement he proclaims that "the full use of the shower bath can only be cautiously obtained by repeating the shower at short intervals (in a bath supplied by a cistern) and *until decided prostration ensues!*" It would seem to some that the inducement of "decided prostration" by such means is neither as safe or pleasant a procedure as the application of mild restraint. It looks like a modification of that severest form of prison punishment, termed "showering."

We have spoken briefly of non-restraint as practiced in England, and of a few of the modes of treatment accompanying it. We shall presently speak of another of its disadvantages.

At this asylum, as in fact at many others throughout the United States, restraint is used for three reasons:

First, to prevent the injury of others.

Secondly, to prevent suicide and self-mutilation.

Thirdly, for purposes of treatment.

Restraint is never applied at this institution except by order of the superintendent or one of his assistant physicians. It is always dispensed with at the earliest practicable moment. If sudden violence calls for its use, when the physician is not on the ward, the case is at once reported to a medical officer, and its continuance depends upon his decision. It is both the duty and desire of the officers to restrict the use of restraint to the minimum. This is the end at which we aim, and the course is deviated from only for the purpose of accomplishing the best possible curative, protective and beneficent results. The staunchest vessel, with the strongest crew and bravest captain, cannot always sail against wind and tide, in a direct course. It must occasionally tack that it may make the better and surer progress. Those are the truest reformers who calmly face the dangers and difficulties of the situation, and exercise a wise judgment and careful discrimination before they act. Guided by matured plans, drawn upon the scene of action, their efforts will not fail of good and lasting effects. The path of duty may wind around the hill, but those who follow it always face the goal of final success.

Three years ago, in my first annual report, under the head of "Restraint" I wrote: This is a matter of vast importance to every

person in charge of an asylum, since it relates more or less directly to the welfare and highest interests of the patients committed to his care. That its use should never be applied, except after careful consideration, and as a last resort in each individual case, is the conclusion of all modern humanitarians. Mechanical restraint, in this asylum, has been reduced as far as considered practicable and safe; but it has not yet been entirely done away with.

The plan marked out, some years ago, is still steadily adhered to. That it is successful the record, as found in our statistical tables, abundantly attests.

In the English asylums mutilations of the body are not uncommon among the patients. As they cannot be restrained such accidents can scarcely be prevented. As we have already stated we here use restraint to prevent mutilations. By proper appliances we have been enabled to prevent all serious accidents of this kind. We present two or three cases that we have treated in which we think restraint was effective in saving life. Mrs. ——— for a long time persisted in hunting for needles, pins and other sharp objects, and when found would bury them in the flesh of her arms and legs, and other portions of her body. Severe and dangerous inflammation followed, but she was even then not deterred from these strange attempts at self-injury. Her hands were restrained, for a few days, with light canvas sleeves, until the passion for such acts passed away, when she was released; and in a short time she went home fully recovered. Such a patient must either be kept in a close room, and deprived of all the enjoyments of association with others, or be permitted to mutilate herself and endanger her life; or be restrained. We preferred the latter course, keeping the sick one in a light, cheerful, carpeted room, surrounded by good-natured companions.

Another patient of ours persisted in thrusting his thumbs into his eye sockets, for the purpose of pulling out his eyes, because "the Lord had commanded him to do so." He injured his eyes severely, but was soon discovered and his hands placed in restraint until he received no further orders from the Lord to thus mutilate himself. He is now one of the most quiet and happy of patients, and has a pair of sound eyes in his head. This patient's attempts at mutilation were continued for several weeks, night and day. He was removed from restraint each day and carefully exercised. Does any one think that a padded room would be a safe protection or proper treatment for such a case?

Still another patient persisted for a long time in attempts at suicide. Her efforts were simply marvelous in their varied ingenuity. It would be impossible to describe her transcendent energy in this direction. Her hands were restrained while necessary, and her life saved. She was repeatedly set at liberty and watched over with tenderest care by a faithful and devoted nurse, but at times nothing would avail save restraint, for in unhallowed cunning the patient could baffle the elect. Finally her desire to destroy herself became modified, and she now spends much of her time quietly sewing.

Such are a few of the cases with which we have to deal. We do not plead for the use of restraint because it is a pleasant and agreeable method, but because it is to our mind sometimes an unimpeachable necessity. Its use requires careful discrimination and close scrutiny. That it may be carried to extremes is true, as the history of the past too sadly evidences. But in this connection the question also comes, "may not the system of non restraint pass the bounds of discretion, and in some instances become chargeable with the crime of undue neglect?" A righteous decision of all mooted questions is the highest aim of the age in which we live.

Concerning the fact that kindness — ever gentle, ever discreet, ever firm — is and should be at all times exercised toward the insane, we can only say that we believe it is now universally considered as an axiom of our times — changeless, undisputable, uncontradicted. Whether restraint is used or not used, kindness, with its mystic wand, should rule with resistless power in every asylum for the insane.

PROTECTION AGAINST FIRE.

Nothing so chills the heart of humanity as the report of a disastrous fire in an insane asylum. It is a holocaust of those who are, of all beings, the most deplorably helpless. Against such a possible evil ample means should be provided. We are happy to state that at this institution ample provision for protection against fire has been made. Frequent inspection of all our fire apparatus is made by the engineer of the establishment, and it is kept in good order for any emergency.

In addition to this I have organized a fire brigade, composed of the male workers in the institution; and this brigade is properly trained for efficient work, in case the dread necessity arrives.

"There is a system of alarms by which warning can be instantly given of a fire in any part of the building, and its location made known to all. The duty of every member of the force is clearly defined, and he knows just what to do in any emergency. If a fire occurs at night the watchmen are ordered to sound the necessary alarm; then send messengers to call up officers and members of the force; to notify the fireman who is to repair to the boiler-house and start the pumps; to send alarm by telephone to the fire companies in the village; to unlock all outside doors; and to perform such other duties as are laid down in the rules. Each hall in the buildings is supplied with hose, always attached and ready for use; and there are also portable fire extinguishers in abundance. If a fire is local and easily subdued, it is to be put out without a general alarm; but if danger is at all imminent then every patient is to be removed from his or her room, and every one quickly marched from the building. Each patient is to be supplied with a blanket, by the attendants, and taken to the out-building for shelter." Broad stone stairways lead from every ward to appropriate places of exit. The precautions thus established seem to be amply sufficient to guard

against every possible disaster that might arise in case of a serious fire.

MEDICAL AND SANITARY CARE OF THE INSANE.

The results of the year prove anew the striking benefits of benign medication, combined with the most modern of hygienic and sanitary measures for promoting the physical and mental restoration of insane patients. Increased experience in the use of drugs after the homœopathic formula demonstrates the certainty of their action on the part of some remedies in some classes of insanity, mania and melancholia, notably melancholia with stupor, being particularly susceptible to the beneficial action of appropriate medicines. It is with peculiar satisfaction that we record the cure of several cases of melancholia with stupor, during the past year, with baptisia tinctoria; for thus the uses of this remarkable drug have been developed in a new and untried field. I now use this remedy with that confidence which happy experience warrants. The domains of dementia, general paresis, and epileptic insanity still form "debatable grounds" as to whether any remedies have, to any marked extent, any prompt or beneficial effect.

Medicine has its happy uses, and a wide and benign scope of power; but it has its limits likewise, beyond which it cannot pass. And yet, even when medicine fails, our efforts to afford relief may not stop; for we have still, always present, the vast resources of diet, air, exercise and diversion. The physician to the insane who would neglect these, and rely upon a course of drugging (which sometimes proves more hurtful than otherwise, since drugs, like water and fire, are dangerous elements when misapplied), will often meet with bitter disappointment, and fail in accomplishing the full-est results for good which are at his command.

Most of our patients, when admitted, present the appearances of physical as well as mental degeneration. They are, in fact, simply worn out and shattered wrecks of humanity. We find here both disease to combat and dreary wastes to be repaired. Drugging can no more meet the demands of a wasted system for repair, than the oiling of machinery can become a substitute for the coal and water that are needed for the generation of steam in the engine. That which manufactures good blood; keeps it pure in its courses; sends it in a ceaseless and vigorous current through the arteries, and causes it to give tone and energy to the nerves, is a necessity for recuperating from exhaustion. It is a just demand which the debilitated insane make upon us for supply. We reiterate what we have stated in our former reports that, in addition to cautious medication, we rely largely for the cure of our cases upon abundant and nourishing food, an unfailing supply of pure air, a constant attention to personal cleanliness and the free use of the bath, appropriate out-door exercise, moderate and judicious labor for those who are strong enough to work, profound and protracted rest where that is deemed advisable, and proper and agreeable diversion for all.

These are the methods adopted for the treatment of the insane at this asylum. To get the weak and wasted fat and strong is our first endeavor. Then comes regular exercise in the form of walks, drives, strolls over the hills and practice in the gymnasium. To out-door exercises are added in-door amusements of an exhilarating nature, in the form of weekly dances. To those accustomed to toil, and to those who are willing, we furnish, as far as possible, agreeable and moderate employment. We do not, however, drive our patients to uncongenial tasks, since our supreme effort is to restore them to health, not to make them a source of profit or excessive economy to the asylum.

Yet the aggregate of work cheerfully performed at this institution amounts really to a large and notable sum. The men have been engaged on the farm, in the garden, in keeping the walks trimmed, in cultivating flowers, in aiding the general work of the wards, kitchen, laundry and boiler-house; and the sum total of this labor for the year amounts to 4,950 days' work. This is a good showing, especially when we consider that by far the greater number of our men are unable to work at all.

In the department for female patients there have been performed 5,320 days' work of sewing. Nearly all the plain work of the house, such as the manufacture of sheets, pillow-cases, towels, napkins, dresses and aprons, together with the necessary mending, has been done by patients. More than this, they have assisted in keeping the wards in order, and in beautifying the same by tasteful decorations of autumn leaves and other ornamentation for the walls and furniture. Every one who is willing and able can be furnished with something light and agreeable to do, even if it is not remarkably profitable.

RECOMMENDATIONS.

As soon as the new pavilion is completed the grounds in the rear of the entire institution should be graded, turfed, intersected by walks, graced with groups of shade trees, mounds and terraces, and the whole surrounded by a strong, high fence. The inclosure thus made should be divided into four plots, two for males and two for females. The very excitable could occupy those appropriated to their use, the comparatively quiet could exercise in the others, while the convalescents of both sexes could be allowed larger liberty on the grounds in front of the building. Thus all could be provided with outdoor air and exercise, and at the same time our diverse population could be suitably classified, separated and duly protected. I trust your honorable board will secure an appropriation for this most necessary purpose. By having suitable and safe grounds for exercise we shall be able to keep our patients out of the building much of the time during pleasant weather, and thus avoid to the utmost the necessity for restraining the violent.

Secondly, we ask that the basement of pavilion No. 2 be fitted up for work-shops for the manufacture of baskets, mats, and other

light and useful articles. This suggestion, if carried into effect, will put into the hands of our patients material which can be worked up without the use of dangerous implements. Moreover, employment will thus be furnished which will keep the patients busy during rainy or cold weather when they could not work in the fields or garden.

CHANGES.

On the 1st of April last Dr. A. P. Williamson, who had for a few months previously been engaged at this asylum as "special pathologist," and who had made some very interesting experiments with the microscope, was called to the position of chief of staff at the Ward's Island Homœopathic Hospital. Thus a work, which we had hoped to push to some useful conclusions, was temporarily checked. There are no special funds in the possession of this asylum for the prosecution of such experiments in pathology as we are anxious to make. Dr. Williamson, having just returned from his studies in Germany, entered upon his task here as a labor of love, but his energies were soon required in a broader and more active field of usefulness. We cannot refrain from remarking that it would be a growing advantage to this asylum, and to the medical profession, could the services of a competent man be secured who could devote his entire time to pathological research and experiment.

It is my painful duty to report that during the past summer my second assistant physician, Dr. N. Emmons Paine, failed in health to such an extent that he was obliged to relinquish his duties here. After passing a vacation at the sea shore, and regaining but little of his former strength, he felt compelled to tender his resignation, to take effect October 1, 1880. In parting with Dr. Paine it affords me pleasure to state that during his three and one-half years' service at this asylum, he greatly endeared himself to the hearts of his patients, to the superintendent and other officers of the asylum, and to all with whom he came in contact. His resignation is a source of deep regret, for he gave promise of great usefulness in his chosen specialty. Few young men are better fitted by nature or acquirement for the sacred work of ministering to the "mind diseased" than Dr. Paine. None could evince greater enthusiasm or keener aptitude for such work. The benisons of numberless friends accompany him in his search for the bright boon of renewed health. During the temporary absence of Dr. Paine, previous to his resignation, Dr. C. Spencer Kinney was appointed by your board to perform the duties of assistant physician, which duties he has thus far fulfilled with credit to himself and to the satisfaction of the superintendent.

In other respects the staff remains unchanged, Dr. Butler continuing to perform the duties of first assistant with fidelity, and Mr. John Cochran displaying his customary zeal and energy in the responsible capacity of steward.

ACKNOWLEDGMENTS.

To your honorable board we renew our grateful acknowledgments for the interest you have constantly manifested in the institution; and for the support, and courtesy, and encouragement you have at all times extended to the superintendent and his associates on the asylum staff.

To all friends of the asylum who have continued, by timely gifts, to contribute to the happiness and welfare of our patients, we extend most grateful thanks.

To the officers and employees who, as a rule, have been most faithful in the performance of duty and in the upholding of my hands, I render my grateful acknowledgments.

To the clergy of Middletown, for their unflagging zeal in the bestowal of kindly sympathy and tender words of cheer upon the sick and the suffering under our charge, we desire to signify our profound obligations. For their consoling service "to the least of these" there awaits in the future a sure and abundant reward.

And to Him who has guided and sustained and cheered and inspired us all to continued fidelity toward our sacred trusts, we offer the prayer of perennial thanksgiving; rejoicing that we have been led by the protecting Father to the close of another year without unusual peril, or untimely disaster to our wards.

CONCLUSION.

As we review the toils of the year that is past, we find much that is cheering in the advancements that have been made, and the improvements that have been accomplished. As we look ahead we discover higher peaks than those already climbed. As we examine our resources of experiences gained, of skill acquired, of strength developed, of new facilities offered, we feel exhilarating impulses for renewed struggles in the arena of our choice. Our highest aim is to deliver the fettered mind from the crushing thralldom of dethroned reason. Hitherto our efforts have been made in the face of obstacles almost impossible to surmount. But with a completed establishment, such as we shall soon have, there will be opened opportunities for the accomplishment of good work, such as we have not heretofore enjoyed. To this widening field of usefulness we shall bring increased strength, renewed hope, a more determined purpose, and unquenchable enthusiasm.

Very respectfully,

SELDEN H. TALCOTT,

Medical Superintendent.

TABULAR STATEMENT.

TABLE I.

Movements of the population, from October 1, 1879, to September 30, 1880, within the year.

	Males.	Females.	Total.
Number present at beginning of the year...	77	87	164
Number admitted in the year	76	71	147
Whole number present in the year	153	158	311
Discharged recovered	34	27	61
Discharged improved	12	12	24
Discharged unimproved	20	13	33
Discharged dead	7	6	13
Remaining at the end of the year	80	100	180

TABLE II.

General statement of the operations of the State Homœopathic Asylum for the Insane, for the seven years ending September 30, 1880.

Years.	Number admitted.	Number discharged.	Number treated.	Discharged recovered.	Discharged improved.	Discharged unimproved.	Not insane.	Died.
1874 ..	69	16	69	9	3	..	..	4
1875 ..	99	70	152	30	15	13	1	11
1876 ..	113	110	195	46	12	36	..	14
1877 ..	143	100	228	46	21	18	1	14
1878 ..	156	138	284	61	15	43	1	15
1879 ..	137	119	283	48	20	35	..	15
1880 ..	147	131	311	61	24	33	..	13

TABLE III.

Showing the percentage of recoveries on the whole number of discharges.

Years.	Number discharged.	Recovered.	Percentage.
1874	16	9	56.25
1875	70	30	42.85
1876	110	46	41.81
1877	110	46	46.00
1878	138	61	44.20
1879	119	48	40.33
1880	131	61	46.56

TABLE IV.

Showing the percentage of deaths on the whole number treated.

Years.	Whole number treated.	Deaths.	Percentage.
1874	69	4	5.89
1875	152	11	7.23
1876	195	14	7.17
1877	228	14	6.14
1878	284	15	5.28
1879	283	15	5.30
1880	311	13	4.18

TABLE V.

Form of disease in those admitted within the year.

Causes.	Males.	Females.	Total.
Mania, acute	13	11	24
Mania, sub-acute	8	9	17
Mania, chronic	7	10	17
Mania, recurrent	4	4	8
Melancholia, acute	9	13	22
Melancholia, chronic	4	1	5
Melancholia, with stupor	1	4	5
Dementia	12	8	20
Dementia, senile	5	2	7
Epilepsy	1	1	2
General paresis	8	..	8
Hypochondriasis	3	4	7
Hysteria .....	..	3	3
Dipsomania	1	1	2

TABLE VI.

Supposed or assumed causes of insanity within the year.

Causes.	Males.	Females.	Total.
Hereditary.....	3	8	11
Predisposition.....	11	8	19
Masturbation.....	9	2	11
Overwork.....	12	6	18
Parturition.....	..	5	5
Domestic trouble.....	..	10	10
Loss of family.....	1	2	3
Senility.....	2	2	4
Sexual excesses.....	6	1	7
Intemperance.....	1	1	2
Injury of head.....	2	2	4
Sunstroke.....	2	..	2
Disappointment in love.....	..	2	2
Irregular living.....	3	..	3
Physical disease.....	3	5	8
Opium eating.....	1	2	3
Disease in childhood.....	1	..	1
Religious excitement.....	..	1	1
Loss of property.....	3	1	4
Syphilis.....	1	..	1
Suppression of menses.....	..	1	1
Unknown.....	15	12	27
			<hr/> 147 <hr/>

TABLE VII.

Number of attacks in those admitted within the year.

	Males.	Females.	Total.
First.....	59	49	108
Second.....	11	16	27
Third.....	4	3	7
Fourth.....	..	2	2
Fifth.....	1	1	2
Tenth.....	1	..	1
			<hr/> 147 <hr/>

TABLE VIII.

Duration of insanity before entrance of those admitted within the year.

Duration.	Males.	Females.	Total.
Less than one month.....	15	15	30
From one to three months.....	18.	9	27
From three to six months.....	7	14	21
From six to nine months.....	8	6	14
From nine to twelve months.....	1	..	1
From twelve to eighteen months.....	9	7	16
From eighteen months to two years.....	1	2	3
From two to three years.....	7	8	15
From three to four years.....	1	1	2
From five to ten years.....	3	7	10
From ten to fifteen years.....	3	2	5
From thirty to forty years.....	1	..	1
Unknown.....	2	..	2
			<hr/> 147 <hr/>

TABLE IX.

Duration of treatment of those recovered in the year.

Duration.	Males.	Females.	Total.
Less than three months.....	9	1	10
From three to six months.....	8	11	19
From six to nine months.....	6	5	11
From nine to twelve months.....	5	4	9
From twelve to eighteen months.....	2	5	7
From one and a half to two years.....	2	1	3
From two to four years.....	2	..	2
			<hr/> 61 <hr/>

TABLE X.

Civil condition of those admitted within the year.

Condition.	Males.	Females.	Total.
Single.....	35	25	60
Married.....	37	29	66
Widowed.....	4	13	17
Divorced.....	..	4	4
			<hr/> 147 <hr/>

TABLE XI.

How supported — of those admitted within the year.

How supported.	Males.	Females.	Total.
By self or family	42	30	72
By county as pauper or indigent.....	34	41	75
			<hr/> 147 <hr/>

TABLE XII.

Nativity of patients admitted within the year.

Nativity.	Males.	Females.	Total.
New York	42	39	81
New Jersey	1	2	3
Pennsylvania	2	2	4
Massachusetts.....	3	..	3
Maine.....	1	..	1
Rhode Island .....	..	1	1
Connecticut.....	1	1	2
Kentucky	1	..	1
California	1	..	1
Illinois.....	..	1	1
Ohio .....	..	1	1
United States, at large.....	4	5	9
Canada.....	1	..	1
England	2	2	4
Ireland	7	11	18
Germany	8	4	12
Bohemia	1	..	1
Denmark .....	..	1	1
Unknown	1	1	2
			<hr/> 147 <hr/>

TABLE XIII.

Occupation of those admitted within the year.

	Males.	Females.	Total.
Artist.....	..	1	1
Broker	6	..	6
Boat builder.....	2	..	2
Boatman	1	..	1
Bootblack	1	..	1
Baker.....	1	..	1
Clerk	4	..	4

	Males.	Females.	Total.
Commercial traveler	1	..	1
Carpenter	1	..	1
Clergyman	1	..	1
Dressmaker .....	..	4	4
Domestic .....	..	10	10
Editor	1	..	1
Engineer	1	..	1
Farmer	15	..	15
Grocer	1	..	1
Hatter	1	..	1
Housekeeper .....	..	42	42
Hotel keeper	1	..	1
Insurance agent	2	..	2
Laborer	10	..	10
Lawyer	3	..	3
Music teacher	1	..	1
Merchant	1	..	1
Master mechanic	1	..	1
Moulder	1	..	1
Mason	1	..	1
Midwife .....	..	1	1
Milliner .....	..	1	1
Piano tuner	1	..	1
Physician	1	..	1
Reporter	1	..	1
Saloon keeper	1	..	1
Student	2	..	2
Saw maker	1	..	1
Tailor	1	..	1
Tea taster	1	..	1
Tanner	2	..	2
Tramp	2	..	2
No occupation	5	12	17

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TABLE XIV.

Deaths and the causes, within the year.

Causes.	Males.	Females.	Total.
General paresis	3	..	3
Melancholia, chronic, and exhaustion .....	..	1	1
Mania, chronic, and exhaustion	1	..	1
Dementia and exhaustion	1	..	1
Dementia senilis	1	1	2
Epilepsy and exhaustion	1	1
Acute delirious mania and exhaustion	1	..	1
Phthisis	2	2
Apoplexy	1	1

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TABLE XV.

Ages at death within the year.

Ages.	Males.	Females.	Total.
From 25 to 30 years.....	1	..	1
From 30 to 35 years.....	1	2	3
From 35 to 40 years.....	3	..	3
From 40 to 45 years.....	1	..	1
From 50 to 55 years.....	..	1	1
From 55 to 60 years.....	..	2	2
From 65 to 70 years.....	1	1	2
			<hr/> 18 <hr/>

TABLE XVI.

Showing percentage of labor (hired and by patients) performed during year ending September 30, 1880.

Male patients, winter.....	19.3	per cent.
“ “ summer.....	34.3	“
Female patients, entire year.....	46.4	“
Hired men (lawns, walks, grounds, etc.).....	33.6	“
Patients (“ “ “ “).....	66.4	“
Hired men, boiler-house.....	70.0	“
Patients, “ “	30.0	“
Hired seamstress, sewing room.....	10.6	“
Patients, “ “	89.4	“
Attendants, work on wards.....	78.6	“
Patients, “ “	21.4	“
Hired men, kitchen and carpenter-shop.....	80.0	“
Patients, “ “ “ “	20.0	“

APPENDIX.

The State Homœopathic Asylum for the Insane originated in 1869, and duly incorporated as a State institution in April, 1870, is located at Middletown, Orange county, New York; distance sixty-six miles from New York city by the Erie railway, and is also reached by the Midland railroad. On a farm of over two hundred acres, about a mile to the westward of the village, a spot which commends its selection by the beauty of the views which it commands—its excellent and healthful surroundings, its admirable facilities for drainage, supply of water and ease of access—have already been erected the main or administrative building, the first pavilion or wing building (three others being contemplated by the original plan), the boiler and laundry-house, a carriage-house, an engine-house with dormitories in the same building for kitchen and laundry help, and a grain barn with a wing for dairy stock attached. The main building, one hundred and seventy-five feet long by sixty-two feet deep and four stories high, exclusive of attic and basement, accommodates all the administrative and domestic officers, and also some seventy-five patients. The pavilion building, which is two hundred and ten feet long, with a southerly wing of seventy feet depth, and a northerly one of one hundred feet depth, furnishes accommodation for one hundred and thirty patients.

In the construction of these buildings the arrangements for heating, ventilating and sewerage have been most carefully considered. They are well guarded against danger from fire; their interior finish, in every detail of design, material and workmanship, is most admirable, and, as a whole, they can scarcely fail to secure healthfulness and comfort to the inmates.

The main building has been in occupation by patients since April 20, 1874. The pavilion building was completed in June, 1876, since which time it has been occupied by our male patients.

This asylum offers to the unfortunate victims of mental disease the advantage of that method of medical treatment which so large and intelligent a portion of the citizens of this State prefer for themselves and their families.

The best possible accommodations are offered; large, cheerful, comfortable and well-ventilated rooms, which are supplied with hot and cold water, warmed by steam and lighted with gas. Patients will receive careful and *purely homœopathic* treatment, and will be constantly under the supervision of well-trained and competent attendants. All the comforts consistent with the mental condition of each case will be provided.

This asylum receives patients under the same rules and terms of admission as govern the other State asylums, viz. :

1. *Pauper patients* under an order from the county superintendent of the poor of any county in the State, or the overseer of the poor of any town, to which such insane person may be chargeable, at a weekly charge to the county or town of \$4.50.

2. *Indigent persons*, not paupers (in case where insanity has not been over one year's standing), on the order of a county judge. This class of patients generally supply their own clothing and defray their own traveling expenses to and from the asylum, as well as any extra charge for breakages, damages, etc. The county or town from which they come is charged for their treatment at same rates as for pauper patients.

"When an insane person in indigent circumstances shall have been sent to the asylum by his friends, who have paid his bills herein for six months, if the superintendent shall certify that he is a fit patient, and likely to be benefited by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application under oath in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and to pay the same to the treasurer of the asylum. And they shall repeat the same for the two succeeding years upon like application, and the production of a new certificate each year of like import from the superintendent," title 1, article 1, section 15.

Patients supported by their friends are received without other papers than certificates from county or bank officers, or other prominent individuals, as to the ability of those who become bound for their support in the asylum to meet all expenses incurred. *This class of patients must not be sent until arrangements have previously been made.*

All the above-named classes are subject to the provisions of the act concerning insane persons, Title 1, article 1, section 1, which is that :

"No person shall be committed to or confined as a patient in any asylum, public or private, or in any institution, home or retreat for the care and treatment of insane, except upon the *certificate of two physicians*, under oath, setting forth the insanity of such person."

And according to section 2 of the same act :

"It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to an asylum, unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the State, and shall have been in the actual practice of the profession for at least three years, and *such qualifications shall be certified to by a judge of any court of record.* No certificate of insanity shall be made except after a personal examination of the party alleged to be insane, and according to forms prescribed by the State

commissioner in lunacy, and *every such certificate shall bear date of not more than ten days prior to such commitment.*"

Every such certificate of insanity, in every case, must have indorsed upon it the approval of a judge or justice of a court of record of the county or district in which the alleged lunatic resides; and said judge or justice may institute inquiry and proofs as to any alleged lunacy before approving or disapproving of such certificate, and may, at his discretion, call a jury in each case to determine the question of lunacy.

DIRECTIONS AS TO COUNTY PATIENTS.

Bills are made out and transmitted to county treasurers quarterly, on the first days of March, June, September and December, by the treasurer of the asylum.

The attention of town and county officers is particularly called to the provisions of the law requiring their patients to be brought to the asylum comfortably clothed and provided with proper changes of clothing, free from vermin, and in a state of bodily cleanliness; *and they should never be brought from county houses or localities which are infected with small-pox, measles or scarlet fever.*

Two suits of clothing for winter and two for summer, together with several changes of under-clothing, should be provided for each patient. Every patient should be brought by some one competent to give a history of the case so far as known. This is a matter too much neglected in the case of county patients.

DIRECTIONS AND INFORMATION IN CASES OF PRIVATE PATIENTS.

1. Give the name in full of the patient, with place of residence, as follows: Name, , town, , county .

2. Give the name in full of the person who is to be written to about the patient whenever the superintendant thinks it necessary to write, with his residence and post-office address. Name , post-office , county .

3. Give the name in full of the person who is to pay the patient's bill, and his residence and post-office address. Name , post-office , county .

4. Whenever there is any change in the correspondents, the superintendent must be informed immediately, and the name in full of

new correspondents must be sent him, with their residence and post-office address.

5. The price of board and ordinary personal and medical care is to be arranged by correspondence or interview. Suitable clothing (when not furnished by friends as required of them) is to be paid for in addition, and all destruction and damage of furniture and injury to buildings are to be paid for, and reasonable charges of pursuit in case of escape of the patient, and funeral charges in case of death. If the patient by reason of sickness, violence or other cause, requires more than ordinary care, an extra charge will be made in the discretion of the superintendent.

6. The accounts against the patient are to be paid to the treasurer of the asylum quarterly, on the first days of March, June, September and December, and whenever the patient is removed. If not paid promptly, interest will be added, and unless accounts are paid soon after becoming due, the patient will not be permitted to remain in the asylum.

7. If any material change takes place in the condition of the patient, the superintendent will write to the correspondent above named, but not otherwise, unless a letter of inquiry is first addressed to him. All letters will be answered promptly, and the superintendent will always write when the condition of the patient is such as to cause increased anxiety.

8. Letters respecting the patient personally and respecting the charges made in the account, are to be addressed to Dr. Selden H. Talcott, State Homœopathic Asylum for the Insane, Middletown, Orange county, New York.

9. All payments on account of the patients are to be made to Uzal T. Hayes, treasurer at the asylum, and all letters respecting payments are to be addressed to him or the superintendent. The board of private patients is to be paid quarterly in advance. When friends visit the asylum with a patient, or to remove one, they may (if more convenient) pay money to the steward for the treasurer.

10. It is very desirable that as full a history of each case as can be obtained should be furnished when the patient is brought to the asylum.

Parties accompanying a patient to the asylum are often wearied with the journey; their attention is naturally diverted, and in attempting to give a history of their friend's illness, many important points are not mentioned. To obviate this, and to avoid unnecessary detention, the following questions have been prepared. It is requested that some member of the family shall assist the attending physician in giving a full and complete answer to each question. All facts thus given will be regarded as professional communications.

The name and address of one correspondent in each case is registered. While all letters of inquiry from this correspondent will receive a prompt reply, severe illness or the occurrence of any thing of moment will be immediately communicated. When funds are

previously provided, the telegraph will be used if necessary ; stamps must be inclosed to prepay replies.

Name, residence, town, county, age, place of birth ?

Whether single, married or widowed ?

Number of children ?

If any, age of youngest ?

Present residence ?

Occupation of self, father or husband ?

What has been the previous success in business ?

Education (collegiate, academic or common school, read or write) or none ?

Of what religious belief or denomination ?

Have any relatives either upon father or mother's side been insane, hysterical, nervous or had convulsions ?

Has either parent been intemperate or addicted to the use of opium or tobacco to excess, or to other excesses ?

What parent does the patient resemble physically, and which mentally ?

Were either parents or grandparents blood relations ?

What was the patient's natural temperament ?

What was the patient's natural tastes ?

Was there any particularity or eccentricity of speech, manner or voice ?

Was the patient ever addicted to the intemperate use of intoxicating drinks, opium or tobacco ?

Has the patient been addicted to masturbation or sexual excesses ; if so, for how long ?

Has there been a previous attack of insanity ; if so, give particulars ?

Has the patient ever had any severe injury of the head ; and if so, what, and age and time ?

Has the patient usually menstruated regularly ; if not, what has been the nature of the irregularity ?

State the date of the first indication of any change in the patient's usual condition or habits, temper or disposition ; what was the change ?

What was the patient's physical condition previous to, or at the time of the attack ?

Give the subsequent history of the attack and the treatment employed ?

Has the patient any permanent delusion, and of what nature ?

Has the patient ever attempted to injure others ; if so, when and how ?

Was it apparently done from premeditation or sudden passion ?

Does the propensity to suicide exist ?

Has the patient ever made a suicidal attempt ; if so, in what manner ?

Has the patient a disposition to destroy clothing, furniture, etc. ?

State the supposed cause or causes of the attack ; also any facts that will throw light upon the cause ?

Has any restraint or confinement been resorted to ; if so, what kind, and how long ?

Has the patient ever been in an asylum ; if so, in what asylum, and for how long ; also condition when discharged ?

What medication, homœopathic or otherwise, has the patient received, and for how long ?

Is the patient now in usual health, or more emaciated and feeble than ordinary ?

What is the condition of the pulse ; fast or slow, feeble or full ?

What is the condition of respiration ; number per minute ; easy or labored ?

What is the condition of pupils ; equally or unequally dilated, painfully affected by light ?

What is the condition of the voice ; is it natural, or is there any hesitancy or stammering while speaking ?

What is the condition of the appetite ; is it greater or less than usual ? State any unnatural cravings.

What is the condition of the digestion ; if bad, what are the symptoms ? What food causes most distress, and when or how is it aggravated or relieved, and is the trouble of long standing ?

What is the condition of the hearing ? What is the condition of the sight ?

Is the patient troubled about sleeping ; if so, what part of the night ?

Is there any evidence of paralysis, or loss of motion, or sensation ; if so, what part of the body is affected ?

Is the patient excited or quiet ? Is the patient moody or irritable ? What is the character of delusions ? Give example of those most commonly present.

How is the patient occupied during the day ? By what means are symptoms (physical or mental) aggravated or ameliorated ?

FORM OF MEDICAL CERTIFICATE.

According to the forms prescribed by the State commissioner in lunacy, under title 1, section 2 of chapter 446 of the Laws of 1874.

STATE OF NEW YORK,)
County of ,) ss.:

I, , a resident of , in the county aforesaid, being a graduate of , and having practiced as a physician for years, hereby certify, under oath, that on the day of , I personally examined of , and that the said is insane, and a proper person for care and treatment under the provisions of chapter 446 of the Laws of 1874.

I further certify that I have formed this opinion upon the following grounds, viz.:

And I further declare that my qualifications as a medical examiner in lunacy have been duly attested and certified by

Sworn to and subscribed before me, }
 this day of , 18 . }

JUDGE'S CERTIFICATE OF QUALIFICATION.

STATE OF NEW YORK, }
County of , } ss.:

I hereby certify that , of , is personally known to me as a reputable physician, and is possessed of the qualifications required by chapter 446 of the Laws of 1874.

Each certificate must be indorsed by the judge as follows:

"I hereby approve the within certificate.

" , Judge.

"Dated the day of , 18 ."

FORM OF AN ORDER FOR THE ADMISSION OF A PATIENT AT COUNTY EXPENSE.

To the Superintendent of the State Homœopathic Asylum for the Insane at Middletown, N. Y.:

Whereas , a person who is chargeable for support to the county of , has become a lunatic, the undersigned, superintendent of the poor of said county, having called in and , two reputable physicians, duly qualified as medical examiners, under chapter 446, Laws of 1874, and having their certificates, under oath, of the insanity of said , do hereby order to be taken to said asylum; and you, the said superintendent, are required to receive into said asylum, and there detain and maintain at the expense of said county until legally discharged therefrom.

Given under hand this day of , 18 .

Superintendent of Poor,
county.

PRIVATE PATIENTS.

Form of agreement entered into by the persons or sureties who become bound for the patient admitted.

(This agreement or understanding is generally signed by near relatives, or other friends of the patient, or legal guardians, if any such there be, at or prior to the time of admission of a patient; or subsequently upon the deposit of a sum of money sufficient to secure its execution.)

Whereas _____, of _____, in the county of _____, an insane person, has been admitted as a patient into the State Homœopathic Asylum for the Insane, at Middletown, Orange county, New York:

Now, therefore, we, the undersigned, in consideration thereof, jointly and severally bind ourselves to Uzal T. Hayes, treasurer of said asylum, to pay to him and his successors in office the sum of _____ dollars and _____ cents per week, for the care and board of said insane person, so long as _____ shall continue in said asylum, with such extra charges as may be occasioned by _____ requiring more than ordinary care and attention; and also to provide with suitable clothing, and pay for all such necessary articles of clothing as shall be procured for _____ by the steward of the asylum; and to remove _____ from the asylum whereas the room occupied by _____ shall be required for a class of patients having preference by law; or whenever _____ shall be required to be removed by the trustees or superintendent in sending said patient to friends, in case one or either of us shall fail to remove said patient, when required to do so as aforesaid; and if _____ shall be removed at the request of friends before the expiration of six calendar months after reception, then to pay board for twenty-six weeks, unless _____ shall be sooner cured; and also to pay, not exceeding fifty dollars for all damages _____ may do to the furniture, or other property of said asylum, and for reasonable charges in case of elopement, and funeral charges in case of death. Such payments for board and clothing to be made quarterly, on the first days of March, June, September and December in each year; and at the time of removal, with interest on each bill from and after the time it became due.

In witness whereof we have hereunto set our names this _____ day of _____, in the year _____.

Name,

Post-office address,

Name,

Post-office address,

This will certify that I am personally acquainted with _____ and _____, the signers of the above bond, and consider each of them fully responsible for the prompt discharge of its obligations.

Name,

Post-office address,

GENERAL DIRECTIONS AS TO PATIENTS.

All patients require at least two suits of clothing and several changes of garments. Most of the patients go out regularly, and consequently need clothes suited to the season. For males, great coats and boots are required in winter; shoes answer in summer; slippers are worn in the house. Females also need ample clothing for walking and riding in the winter.

The supply should be liberal when it can be afforded. All clothing is marked with the name of the patient to whom it belongs, and much pains will be taken to have it kept in good order and repair.

The removal of a patient should never be attempted while laboring under severe bodily disease, as fever, erysipelas, large or dangerous wounds or sores, consumption, etc.

In this connection we cannot give better advice to the friends of patients than by quoting the following words by Dr. Gray, of the Utica Asylum:

"In conveying a patient to the asylum let it be done by force rather than by deception. Truth should not be compromised by planning a journey to Middletown, or a visit to the asylum, and when there, suggesting the idea to the patient of staying, while his admission was already decided upon; nor should patients be induced to come and stay a few days to see how they like it, under the impression that they can leave at pleasure. Such treachery not only destroys confidence in friends, but also, too often, in us, by the seeming conspiracy to which we are supposed to be a party, than which there can scarcely be a greater barrier to improvement."

Application for admission should always be made before the patient is brought to the asylum, in reply to which any information will be cheerfully and heartily given. All correspondence with or about patients should be addressed to Dr. Selden H. Talcott, Superintendent State Homœopathic Asylum for the Insane, Middletown, Orange county, N. Y.

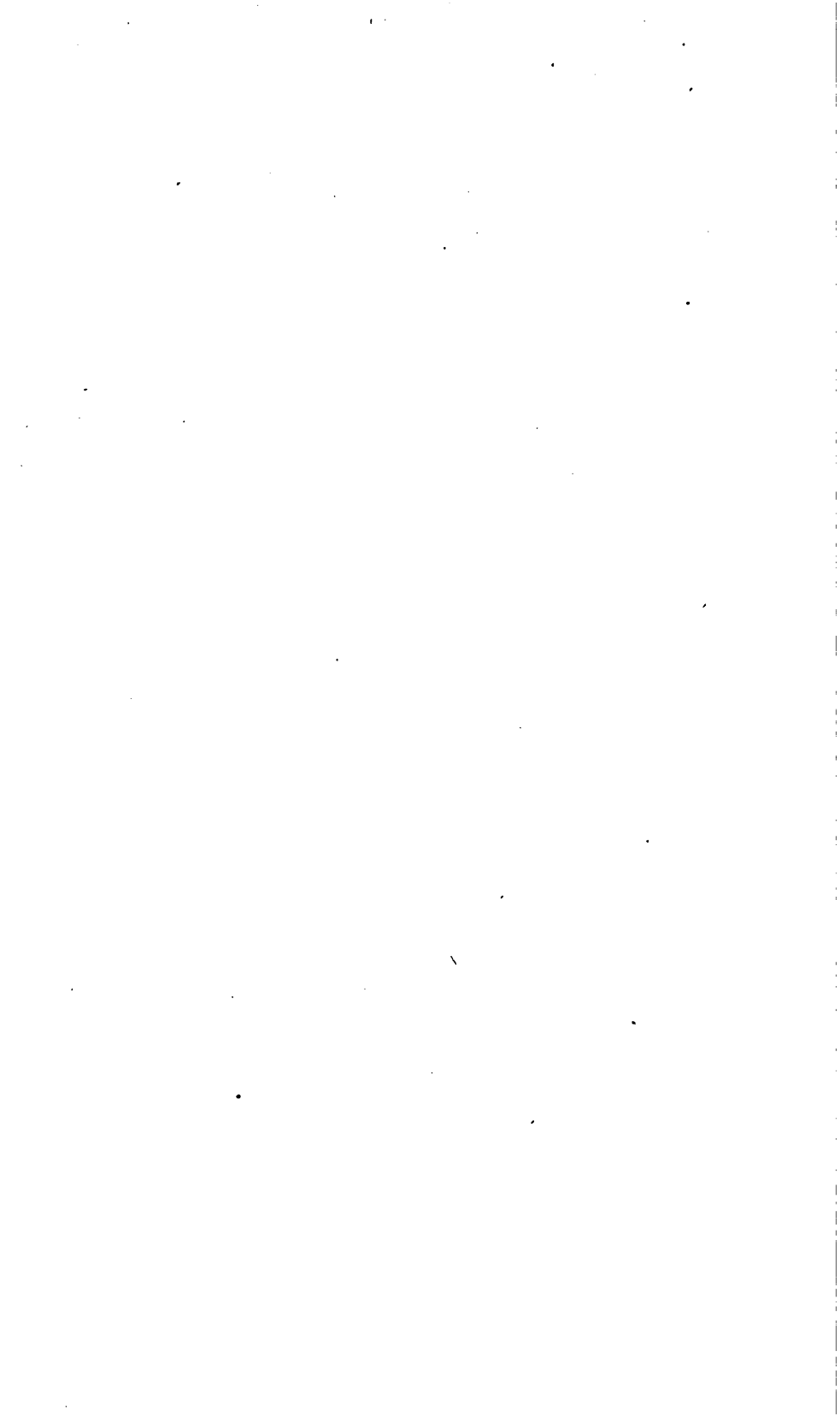
Persons having charge of insane friends are often so much prejudiced against asylums that they hesitate to give these unfortunate patients the benefit of care and treatment in such institutions. A visit to an asylum, and an examination of its operations and modes of life, will generally disabuse a candid mind of false impressions, and will bring conviction as to the absolute necessity for removing cases of insanity from home. Visitors to this asylum, in search of such information, will be cordially welcomed, and its operations fully explained to them.

TERMS.

County patients (paupers) are received at four dollars and fifty cents per week. Private patients are charged from five to twenty-five dollars per week, according to quarters selected by their friends. Those sleeping in dormitories with four to eight beds, pay five to six dollars per week; those occupying a room with two beds are received for seven to eight dollars per week, while those having single rooms are charged from eight to twenty-five dollars per week, according to location and size of room, and the degree of elegance required in furnishing. Friends of private patients are required to pay quarterly in advance, unless other terms are previously agreed upon. Special arrangements may be made by personal application to the superintendent, or by letter.

Address,

SELDEN H. TALCOTT, M. D.,
Superintendent,
Middletown, Orange Co., N. Y.



STATE OF NEW YORK.

No. 18.

IN ASSEMBLY,

JANUARY 13, 1881.

SIXTH ANNUAL REPORT

OF THE CENTRAL NEW YORK INSTITUTION FOR DEAF-MUTES.

STATE OF NEW YORK:

DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE, ALBANY, Jan. 13, 1881. }

HON. GEORGE H. SHARPE,

Speaker of the Assembly:

SIR—I have the honor to transmit herewith the Sixth Annual Report of the Central New York Institution for Deaf-Mutes.

Very respectfully,

Your obedient servant,

NEIL GILMOUR,

Superintendent.



OFFICERS AND TRUSTEES.

President — B. J. BEACH.

Vice-Presidents — REV. THOMAS GALLAUDET, D. D., EDWARD HUNTINGTON.

Secretary — H. HANNAHS.

Treasurer — JOHN G. BISSELL.

First Class — Term expires February, 1881.

- | | |
|---------------------|----------------------------------|
| 1. Alfred Ethridge, | 8. Rev. Thomas Gallaudet, D. D., |
| 2. B. W. Williams, | 4. Thomas Stryker, |
| | 5. B. H. Wright, Jr. |

Second Class — Term expires February, 1882.

- | | |
|---------------------|----------------------|
| 1. A. C. Kessinger, | 3. John G. Bissell, |
| 2. D. P. McHarg, | 4. Edward Comstock, |
| | 5. James H. Searles. |

Third Class — Term expires February, 1883.

- | | |
|-----------------------|-----------------|
| 1. B. J. Beach, | 3. J. C. Smith, |
| 2. Edward Huntington, | 4. H. Hannahs, |
| | 5. G. W. Jones. |

Executive Committee.

- | | |
|----------------------------------|------------------|
| B. J. Beach, <i>ex-officio</i> , | John G. Bissell, |
| Edward Comstock, | J. C. Smith, |
| | B. W. Williams. |

List of Life Members.

- | | | |
|--|--|--|
| A. K. Adams,
Sanford Adams,
James Akin,
E. B. Armstrong,
J. B. Barton,
B. J. Beach,
F. B. Beers,
G. N. Bissell,
John G. Bissell,
Calvert Comstock,*
Ed. Comstock,
I. Denio,
J. S. Dyett,
J. D. Ely,
James Elwell,
C. W. Elmer,
A. Ethridge,
Henry A. Foster,
T. M. Flandrau,
John Groves,
James Hagerty,
George Hahn,*
H. Hannahs,
J. S. Haselton,
Z. Hill,*
J. S. Hovey,
Ed. Huntington,
B. N. Huntington, | J. B. Jervis,
G. W. Jones,
H. B. Jones,
J. R. Julland,
John Kelley,
A. C. Kessinger,
C. F. Keith,
W. J. P. Kingsley,
H. M. Lawton,
R. E. Lee,*
D. F. Livermore,
J. C. Longland,
G. H. Lynch,
D. P. McHarg,
George Merrill,
I. T. Miner,*
P. H. Miner,
H. W. Mitchell,
J. L. Mudge,
N. Mudge,
M. McDonough,*
J. S. Mowry,
John B. Morrow,
T. G. Nock,
J. M. Orton,
D. B. Prince,
A. S. Roberts,
Ira L. Reed, | G. V. Selden,
J. H. Searles,
R. R. Searles,
J. C. Smith,
M. W. Smith,
William N. Smith,
S. S. T. Smith,
W. W. Smith,*
E. L. Stevens,
S. B. Stevens,
H. L. Stillman,
Rev. Peter Stryker,
John Stryker,
Thomas H. Stryker,
A. Sandford,
R. W. Thomas,
J. Townsend,
A. P. Tuller,
David Utley,
S. G. Visscher,
Samuel Wardwell,
William Wardwell,
John S. Wardwell,
M. C. West,
B. W. Williams,
B. Huntington Wright,
J. Walker,*
H. K. White. |
|--|--|--|

* Deceased.

EDUCATIONAL DEPARTMENT.

PRINCIPAL.

EDWARD BEVERLY NELSON, B. A.

PROFESSORS AND TEACHERS.

- | | |
|---------------------------|-----------------------|
| 1. ALPHONSO JOHNSON,* | 5. JONATHAN H. EDDY. |
| 2. FORT LEWIS SELINEY, | 6. LEWIS N. BENEDICT, |
| 3. W. MARTIN CHAMBERLAIN, | 7. J. EDWIN STORY, |
| 4. ALBERT P. KNIGHT, | 8. MRS. J. H. EDDY, |
| 9. ANNIE B. GARRETT.† | |
-

DOMESTIC DEPARTMENT.

ATTENDING PHYSICIAN.

THOMAS M. FLANDRAU, M. D.

STEWARD.

EDWARD B. NELSON.

SUPERVISORS.

WILLIAM MARTIN CHAMBERLAIN,
LEWIS N. BENEDICT.

MATRON.

MRS. MARY ADELLA GRIFFIN.

ASSISTANT MATRONS.

MRS. LIZZIE DAWLEY,††
MRS. ESTHER H. FLINT,
MRS. ROBERT WILLIAMS.

SEWING MATRON.

MISS BELLE HUNTINGTON.

HOUSEKEEPER.

MRS. E. P. JOHNSON.

NURSE.

MRS. BARBARA TYLER.

*Teacher of articulation.

† In charge of the primary department.

†† Instructor of the advanced class.

REPORT.

The trustees of the Central New York Institution for Deaf-Mutes respectfully present to the legislature their sixth annual report of the progress and condition of the institution, being for the year ending September 30, 1880.

The whole number of pupils connected with the institution September 30, 1879, was one hundred and forty-five; twenty-three new pupils were admitted during the year, while sixteen left, and the whole number of pupils connected with the institution September 30, 1880, was one hundred and fifty-two. Of this number, one hundred and one were supported by the State, sixty-six by the counties from which they came, and one by the parents.

The report of the treasurer, hereto annexed, shows that the total cash receipts during the year were \$42,365.40, and specifies the sources from which they were derived. The expenditures are stated in minute detail, and amount for the year to \$41,424.15, leaving a balance in the treasury on September 30, 1880, of \$940.25.

The report of the trustees for the last previous year stated that they had erected during the year a substantial brick building on their own grounds, sufficient to furnish school-rooms, dormitories and boarding accommodations for eighty pupils, and that it had been brought into use. Having in view the necessity of erecting other buildings, the first step toward that end was the procuring releases of the conditions in the deeds of their property, set out in former reports, and such releases were obtained. So that the institution now owns in fee simple absolute the ground which it occupies as owner, and has a valuable property to offer as security for loans. This accomplished, contracts have been entered into for the erection of another brick building similar in form and style, but somewhat larger than that already in use. The contracts for mason and carpenter work amount to \$14,695. The building is to be completed by the first of June next, and it is expected will be ready for occupation on the opening of the school, September 1, 1881, after the close of the summer vacation. The use of this building will enable the trustees to dispense with hired houses to the extent of at least \$1,300 of annual rent, a sum sufficient to pay the interest on the cost of building and equipment.

The accompanying reports of principal, treasurer and physician are respectfully referred to for more complete details of information of the history of the institution during the year.

All of which is respectfully submitted.

BLOOMFIELD G. BEACH,

President of the Board of Trustees.

Dated October 1, 1880.

REPORT OF THE TREASURER.

RECEIPTS.

From the Comptroller of the State of New York, for support and education of State pupils	\$21, 503 43
From parents of pupils, for clothing	105 41
From one pupil, for board and tuition	77 25
From James Hagerty, life membership	25 00
From sales swill	71 00
From sales barrels	4 95
From repairs in shoe-shop	6 50
From sales sundry articles	39 51
From treasurers of following counties, for support county pupils and clothing State pupils:	
Oneida	4, 139 45
Oswego	2, 956 25
Jefferson	2, 318 55
Lewis	2, 033 85
Onondaga	1, 567 07
Fulton	1, 359 92
St. Lawrence	926 80
Chemung	923 49
Broome	775 03
Rensselaer	750 42
Schenectady	475 00
Chenango	317 38
Albany	311 05
Warren	300 00
Otsego	300 00
Herkimer	272 78
Chautauqua	261 25
Orleans	53 69
Tompkins	37 69
Wayne	37 51
Saratoga	29 48
Wyoming	30 00
Yates	22 45
Madison	313 70
Delaware	16 78
Washington	2 76

\$42, 365 40

EXPENDITURES.

Groceries and Provisions.

Apples, 50 barrels	\$114 88
Apples, dried, 86 pounds	13 70
Asparagus, 345 bunches	25 77
Baking powder, 127½ pounds	45 00
Bananas, 12½ dozen	7 20
Beef, 16,159 pounds	1, 626 67
Beef, corned, 2,777½ pounds	219 27
Beets, 5½ bushels	2 90
Beets, 62 bunches	2 27
Beans, 5½ bushels	12 11
Beans, canned, 11 cases	34 16
Buckwheat, 36 sacks	15 55
Buns, 3,720	26 04
Butter, 3,715 pounds	974 50
Bread, 17,139 loaves	1, 199 79
Cabbage, 393 heads	23 99
Capers, 1 bottle	50
Candy	5 50
Carrots, 2 bushels	1 00
Celery, 244 bunches	11 81
Cherries, 3 pounds	30
Cherries, canned, ½ dozen	1 50
Cherries, dried, 30 pounds	10 00
Cheese, 423½ pounds	50 05
Chocolate, 52 pounds	25 25
Cider, 1 barrel	6 80
Cinnamon, 21 pounds	9 35
Citron, 8 pounds	2 40
Clams, 585	5 22
Cloves, 6½ pounds	4 65
Cocoanut, 89 pounds	28 90
Coffee, 562 pounds	173 20
Corn, green, 72½ dozen	7 91
Corn, canned, 31 dozen cans	55 63
Corn meal, 1,260 pounds	23 78
Corn starch, 63 pounds	5 16
Crackers, 1,011 pounds	71 54
Crackers, 4 barrels	7 66
Crackers, 1 case	1 88
Cranberries, 3½ bushels	14 21
Cucumbers, 76	2 15
Currants, 62 pounds	4 80
Eggs, 1398½ dozen	212 79
Fish, fresh, cod and mackerel	147 91

Carried forward \$5, 235 65

Brought forward.....	\$5, 235 55
Flour, 34½ barrels.....	255 88
Flour, Graham, 1 1-8 barrels.....	9 39
Grapes, 197 pounds.....	13 57
Gelatine, 5 dozen.....	7 50
Ham, 1, 231½ pounds.....	133 33
Honey, 23½ pounds.....	4 85
Hops, 5 pounds.....	2 20
Ice.....	87 50
Jelly, 2 tumblers.....	60
Lard, 803½ pounds.....	81 87
Lemons, 106½ dozen.....	30 20
Lemon extract, 4 bottles.....	1 70
Lemon extract, 2 pints.....	2 70
Lettuce, 722 heads.....	29 61
Lobster, ½ dozen cans.....	1 38
Mace, 1 pound.....	1 25
Maccaroni, 6 pounds.....	1 50
Melons, 89.....	17 67
Milk, 32,574 quarts.....	1, 124 08
Molasses, 458½ gallons.....	240 33
Mustard, 5 boxes.....	55
Mustard, one bottle.....	15
Mustard, 11 pounds.....	4 65
Mushroom, 6 cans.....	2 25
Mutton, 1,482½ pounds.....	168 55
Nutmegs, 8 pounds.....	9 00
Nuts.....	3 08
Oatmeal, 815 pounds.....	41 11
Olive oil, 6 bottles.....	5 20
Olives, 4 bottles.....	2 20
Onions, 6 quarts.....	1 99
Onions, 19½ bushels.....	20 05
Onions, 1½ crates.....	3 75
Onions, 490 bunches.....	19 60
Oranges, 42 dozen.....	22 60
Oysters, 497 quarts.....	130 50
Peaches, 14 crates.....	13 70
Peaches, dried, 25 pounds.....	6 25
Peaches, canned, 2½ cases.....	7 25
Peas, 7½ cans.....	16 20
Peas, 15½ bushels.....	21 14
Parsnips, 3 bushels.....	1 65
Pepper, 5 boxes.....	75
Pepper, 23 pounds.....	6 65
Peppers, 18.....	20
Pickels, 18 bottles.....	7 15

Carried forward..... \$7, 798 93

Brought forward.....	\$7, 798 93
Pickels, 32 barrels.....	22 85
Pieplant, 700 pounds.....	29 60
Pine apples, 34.....	6 30
Plums, $\frac{1}{2}$ dozen cans.....	2 00
Potatoes, sweet, 87 pounds.....	12 30
Potatoes, 812 $\frac{1}{2}$ bushels.....	300 77
Pork, 532 $\frac{1}{2}$ pounds.....	42 54
Poultry.....	86 30
Prunes, 10 pounds.....	1 00
Pumpkins, 4 pounds.....	24
Pumpkins, canned, 8 dozen cans.....	15 25
Quinces, $\frac{1}{2}$ bushel.....	75
Radishes, 26 bunches.....	2 65
Raisins, 190 $\frac{1}{2}$ pounds.....	24 75
Raspberries, 58 quarts.....	6 02
Rice, 725 pounds.....	63 46
Rolls, 300.....	2 00
Salmon, 6 dozen cans.....	19 12
Salt.....	13 76
Sardines, 1 $\frac{1}{2}$ dozen boxes.....	5 13
Sausage, 732 $\frac{1}{2}$ pounds.....	65 95
Sauce, Worcester, 1 bottle.....	50
Soda, 47 pounds.....	3 72
Spinach, 13 $\frac{1}{2}$ bushels.....	8 49
Squash, 926 $\frac{1}{2}$ pounds.....	18 76
Squash, canned, 1 case.....	4 00
Strawberries, 351 quarts.....	33 66
Strawberries, canned, $\frac{1}{2}$ dozen.....	6 00
Succotash, 1 case.....	5 00
Suet, 11 $\frac{1}{2}$ pounds.....	67
Sugar, 6,642 pounds.....	638 26
Sundries.....	113 07
Tapioca, 72 pounds.....	6 80
Tea, 181 pounds.....	90 50
Tomatoes, 7 $\frac{1}{2}$ bushels.....	7 36
Tomatoes, canned, 43 dozen.....	67 75
Turnips, 20 bushels.....	8 80
Vanilla, 7 $\frac{1}{2}$ pints.....	9 78
Vinegar, 153 gallons.....	23 18
Total.....	<u>\$9, 567 97</u>

Furniture and Fixtures.

Baskets, 2.....	\$1 35
Bath brick, 2 $\frac{1}{2}$ dozen.....	2 22
Batting, 1 pound.....	16
Carried forward.....	<u>\$3 73</u>

Brought forward	\$3 73
Basin	20
Bedspreads, 3	5 30
Bedsteads, 6	28 50
Bells, 3	2 30
Binding, 2 pieces	50
Bitts, 8	2 00
Blankets, 21	45 80
Bowls, 76	9 35
Bolts, 55	8 04
Brackets	10 05
Bread cutter	15
Brushes, 89	22 90
Brooms, 14 dozen	36 15
Bureau	4 50
Burners, 2½ dozen	5 70
Butts, 36 pairs	4 91
Cambric, 122 yards	9 76
Carpets	70 73
Castings	46 23
Castors	• 18
Cans, 3	15 50
Can opener	25
Chairs, 39	29 55
Chambers, 10	5 38
Chintz, 5 yards	3 25
Chopping bowl	50
Clock	1 50
Clothes bars	2 25
Clothes line, 10½ pounds	2 66
Coal hods	7 95
Combs, 4 1-3 dozen	5 01
Comfortables, 48	71 55
Cotton batten	17
Cottons, 1,044½ yards	153 05
Cotton flannels, 3 yards	47
Covers, 4	60
Crumb cloth	5 25
Cups and saucers, 21½ dozen	17 26
Desk	20 00
Dippers, 3	65
Dishes, miscellaneous, 46	24 04
Door-springs, 2	70
Drill	29
Dusters, 5	4 10
Emery, ½ pound	10
Fasteners, 25	1 00
Carried forward	\$690 01

Brought forward.....	\$690 01
Fancets, 3.....	58
Files, 14.....	3 26
Frames, 7.....	9 20
Gimlet.....	08
Gimp, 5 yards.....	50
Glass, 270 lights.....	78 75
Glasses, 100.....	10 35
Glue, 14 pounds.....	3 70
Glue pots, 2.....	1 15
Hammers, 2.....	70
Hampers, 4.....	10 00
Handles, 2.....	35
Hooks, 44½ dozen.....	5 81
Jars, 6.....	3 20
Jobbing.....	404 68
Jugs, 4.....	1 40
Kettles, 4.....	6 00
Kitchen-ware.....	2 40
Knives and forks, 16.....	19 82
Knobs, 13.....	1 65
Ladder.....	2 25
Lamps, 46....	46 25
Lamp chimneys, 495.....	40 00
Lanterns, 2.....	1 50
Locks, 22.....	17 45
Looking glasses, 12.....	9 95
Lumber.....	134 95
Marble cloth, 4 pieces.....	16 00
Match-safes, 4.....	35
Mats, 3.....	2 50
Mops, 10 dozen.....	18 25
Nails, 268 pounds.....	13 84
Needles.....	6 48
Oil-cloth, 7½ yards.....	3 75
Pails, 16.....	5 63
Paint.....	2 00
Pans, 33.....	9 40
Patterns, 3.....	65
Pick.....	1 20
Pins, 7½ dozen packages..	6 80
Pitchers, 21.....	11 28
Plaster of Paris, 2 pounds.....	06
Plates, 15½ dozen.....	14 75
Pots, 6.....	4 89
Pulleys, 2.....	1 80
Putty, 43½ pounds.....	2 19
Rings, 19.....	95
Carried forward.....	\$1, 628 71

Brought forward.....	\$1, 628 71
Rug.....	1 75
Sad irons, 12.....	5 40
Sand paper.....	89
Scoops, 2.....	2 50
Scissors, 3 pairs.....	3 25
Scrows, 18 11-12 gross.....	8 26
Screw-drivers, 2.....	40
Sewing machines, 2.....	70 00
Shades, 37.....	3 85
Sieve.....	25
Snow shovels, 10.....	4 50
Spiders, 2.....	80
Stands, 9.....	21 90
Staples.....	24
Spoons, 13 1-6 dozen.....	20 08
Stools, 213.....	95 00
Stones, oil and grind.....	2 37
Stove fixings.....	156 55
Stove pipe.....	12 70
Stoves, 5.....	97 10
Strainers, 2.....	40
Sundries.....	116 45
Tables, 5.....	11 25
Table steels, 2.....	1 35
Tacks, 5 dozen papers.....	1 62
Table linen, 77 yards.....	53 36
Tape, 3 11-12 dozen rolls.....	2 43
Thermometers, 3.....	1 38
Thimbles, 10½ dozen.....	2 39
Thread, 826 spools.....	39 06
Toilet set.....	3 00
Toweling, 493 yards.....	60 29
Towels, 5 1-2 dozen.....	10 05
Traps, 5.....	1 14
Trays, 4.....	3 75
Twine, 8 balls.....	1 21
Tubs, 2.....	3 38
Wardrobe.....	22 50
Washboards, 12.....	2 63
Whiting, 18½ pounds.....	93
Wire.....	43
Wick, 2 packages.....	2 00
Yarn, 3 balls.....	24
Yarn, 24 skeins.....	5 14
Yarn, 2½ pounds.....	1 64

 \$2, 484 52

Miscellaneous.

Advertising	\$11 35
Base balls, 2	2 00
Blacking	3 00
Boarding teachers	229 67
Blueing, 30 bottles	3 95
Bottles, 47	1 29
Cartage	36 79
Chloride lime	11 00
Delegations to Albany	27 22
Delegations to Auburn	5 10
Delegations to Northampton	21 20
Delegations to Utica	2 15
Expenses Dr. Gallaudet	5 00
Expenses sending pupils home	38 37
Extracting teeth	3 25
Hay	21 30
Kalsomine, 44 pounds	4 80
Lye, 4 cans	1 20
Matches	13 45
Newspaper subscriptions	19 80
Oats, 93 bushels	42 20
Oil, headlight, 22 barrels	215 15
Potash, 2 pounds	30
Recording deeds	2 25
Rent of two telephones	44 00
Sapolio, 16 dozen	15 50
Soap, 1,992 $\frac{1}{4}$ pounds	105 28
Soap, 21 boxes	78 95
Soap, 18 barrels	63 00
Soap, 32 cakes	2 55
Shoe brushes	4 00
Shorts, 50 pounds	50
Starch, 304 $\frac{1}{4}$ pounds	21 64
Stove polish	5 40
Subscription to American Annals	40 00
Sundries	105 29
Telegraphing	12 61
Water-closet paper, 108 packages	13 50
Water rents	110 00
	<hr/>
	\$1, 344 01

Clothing.

Boots and shoes, 201 pairs	\$417 50
Braids, 18	1 23
Buttons, 69 $\frac{1}{2}$ dozen	36 90
	<hr/>
Carried forward	\$455 63

Brought forward	\$455 63
Cambric, 108½ yards	7 05
Calico, 526½ yards	40 47
Cashmere, 51½ yards	7 61
Collars, 16 dozen	8 19
Corsets, 22	15 25
Corset laces, 2 dozen	30
Corset steels, 1 dozen	1 50
Diaper, 2 packages	3 15
Drawers, 20 pairs	12 13
Dress goods, 204½ yards	49 63
Elastic, 102½ yards	9 03
Flannel, 142½ yards	36 32
Gingham, 538 yards	60 07
Hair pins, 5 boxes	50
Hats and caps	94 73
Overcoats, 24	137 25
Pants, 16 pairs	24 13
Repairing boots and shoes	199 61
Ribbon, 9 yards	2 26
Rubbers, 57 pairs	30 80
Ruffles, 2 dozen	50
Sateen, 101½ yards	8 63
Shawls, 4	14 50
Shirting	5 84
Shirts, 6	6 00
Shoe strings, 5 gross	2 28
Stockings, 338 pairs	92 52
Suits, 85	476 75
Suspenders, 54 pairs	12 52
Thread, 326 spools	10 98
Ties	3 92
Water proof, 25½ yards	15 93
Wrappers, 105	46 41

\$1, 892 39

Stationery and Postage.

Backgammon	\$ 75
Blank books, 1,160	100 00
Blanks	36 50
Cards	4 32
Crayons, 132 boxes	26 40
Envelopes, 12 boxes	8 40
Erasers, 200	25 00
Examination papers	69 00
Globe	40

Carried forward..... \$170 77

Brought forward	\$170 77
Indelible ink, 2 dozen	5 00
Ink, 11 quarts	5 55
Inkstands, 2	87
Lead pencils, $2\frac{1}{4}$ gross	4 19
Mucilage, 6 bottles	1 11
Office books	87 78
Penholders, $1\frac{1}{4}$ gross	76
Pens	3 37
Postage, postal cards, etc.	70 50
Post-office box rent	3 75
Rubber erasers	3 40
School books, 350	166 40
Sealing wax, 2 sticks	30
Slates, $4\frac{1}{2}$ dozen	4 40
Sponges, 48	5 40
Sponges, 1 pound	2 50
Sundries	23 25
Transfer plate	3 00
Wrapping paper, 49 yards	2 60
Writing paper	31 60
Window sticks, 12	12
Waste basket	50
	<hr/>
	\$697 12

Medical.

Alcohol, $2\frac{1}{2}$ gallons	\$5 18
Brandy, 1 pint	1 25
Gin, 2 quarts	2 52
Glycerine	2 95
Medicines	151 40
Medical attendance	444 00
Mineral waters, 18 bottles	3 12
Whisky, 4 pints	2 10
Wine, 1 pint	40
	<hr/>
	\$612 92

Fuel.

Coal, 362 tons	\$1, 377 16
Wood, $12\frac{1}{4}$ cords	89 38
	<hr/>
	\$1, 466 54

Shoe-shop.

Leather, findings, etc.	\$117 86
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Library.

Purchase of two books	\$1 00
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Salaries and Wages.

Principal	\$2, 000 00
Accountant	300 00
Nine teachers	5, 100 00
Four matrons	1, 025 00
Two supervisors	350 00
Domestics generally	3, 600 62
	<hr/>
	\$12, 375 62
	<hr/>

Rent and Insurance.

Rent of seven buildings	\$1, 734 16
Premiums on insurance policies	73 30
	<hr/>
	\$1, 807 46
	<hr/>

Real Estate.

Expenditures on buildings and grounds	\$6, 824 10
	<hr/>

Interest and Discounts.

Bank interest and discounts	\$192 98
	<hr/>
Deficiency 30th September, 1879	\$2, 040 66
	<hr/>
Balances on hand 30th September, 1880..	\$940 25
	<hr/>
	\$42, 365 40
	<hr/>

STATE OF NEW YORK, }
County of Oneida, } ss. :

Bloomfield J. Beach, president, and John G. Bissell, treasurer of the Central New York Institution for Deaf-Mutes, being severally duly sworn, each for himself deposes and says: The first named, that he is such president as aforesaid; the second named, that he is such treasurer aforesaid, and that the foregoing statement was made up under his supervision as treasurer of said institution, and both say that the foregoing statements of the receipts and expenditures of said institution, for the year ending with September 30, 1880, are in all respects just and correct according to the best knowledge and belief of said deponents.

BLOOMFIELD J. BEACH,
 JOHN G. BISSELL.

Sworn to and subscribed before me, }
 this 8th day of January, 1881. }

D. E. WAGER,
Special County Judge of Oneida County.

REPORT OF THE PHYSICIAN.

*To the Board of Trustees of the Central New York Institution
for Deaf-Mutes :*

GENTLEMEN — I respectfully submit to you my sixth annual report, for the year ending September 30, 1880.

It gives me pleasure to inform you that the health of the inmates of our institution during the past year has been satisfactory. The number of admissions into the hospital is a little less than it was during the preceding twelve months. There have been but few cases of severe disease; and scarlet fever, which attacked two of the younger girls, was again successfully met and prevented from spreading further among the pupils.

There were admitted into the hospital during the year 195 cases, with the following complaints, viz. :

Diseases of the Organs of Respiration.

Asthma	6
Subacute bronchitis.....	25
	31

Diseases of the Organs of Digestion.

Colic	6
Constipation	1
Diarrhœa	13
Dyspepsia	1
Indigestion	14
Jaundice	1
Stomachache.....	4
Sore mouth.....	1
Toothache.....	7
Inflammation of the tonsils.....	30
Tape-worm.....	1
	79

Diseases of the Urinary Organs.

Inflammation of bladder	1
Incontinence of urine	1
	<hr/>
	2
	<hr/>

Diseases of Females.

Dysmenorrhea	4
Amenorrhea	1
Leucorrhœa	1
	<hr/>
	6
	<hr/>

Diseases of the Skin.

Urticaria	2
Boils	3
Corns	1
Eczema	2
Acne vulgaris	2
	<hr/>
	10
	<hr/>

Diseases of the Eye.

Stye	1
Inflammation of conjunctiva	4
	<hr/>
	5
	<hr/>

Diseases of the Ear.

Earache	3
Chronic otitis	2
Mastoid fistula	1
	<hr/>
	6
	<hr/>

Fevers.

Scarlatina anginosa	2
From vaccination	2
	<hr/>
	4
	<hr/>

Injuries.

Contusions	6
A needle in the hand, operation	1
Slight wounds	9
Fracture of collar bone	1
	<hr/>
	17
	<hr/>

Other Affections.

Enlarged glands.....	4
Rheumatism	4
Headache	17
Abscess of leg	1
Felons	3
Frost bite.....	1
Poison from Rhus Tox: (Ivy).....	1
Ingrowing toe nails with two operations.....	3
Lateral spinal curvature.....	1
	<hr/>
	35
	<hr/>
	195
	<hr/>

These affections vary but little from the diseases of former years. A few of them were grave and protracted. On the contrary, a very large proportion of them were mild in type and readily amenable to simple treatment. All, happily, terminated in recovery.

The scarlet fever was well marked but not malignant. The two children attacked were carefully isolated and active measures were taken to prevent the diffusion of the contagion. No other contagious diseases occurred.

During the continuance of the scarlet fever, the want of a building which could be used for the separation of the sick was much felt. It was necessary to empty our hospital of its ordinary occupants and care for them in their dormitories and in a room temporarily devoted to them. This was inconvenient, and it is to be hoped that in the coming summer this subject will receive your attention. Scarlet fever has twice made its appearance in this institution. By the prompt and absolute isolation of the patients and their attendants, we escaped the first time with three cases and in the present instance with but two. A very small building, such for example as our present hospital, would be of ample dimensions and enable the physician to contend easily with contagious disease.

The daily average number of patients in the hospital during the year was four.

Nineteen vaccinations were successfully made upon new pupils. The bovine virus obtained from Dr. F. P. Foster, of New York, was employed.

It is my painful duty here to record the sudden death of Miss Anna E. Curtis, of Watertown, N. Y., aged 17 years, which occurred June 13. She came to us as a pupil not quite three months before, having already spent some years in other deaf-mute institutions. It was evident that her mind was incapable of development. She was inoffensive, but it was necessary to maintain over her a closer watch than with the other children. When alone for a few moments in the dining-room, she must have attempted to climb

through the dumb waiter and was immediately killed. The melancholy event deeply affected all connected with the institution.

The nurse, Mrs. Tyler, who has occupied her position for two years, is invariably kind to the children and continues to perform her duties skillfully and faithfully.

The usual attention has been given to the general hygiene of the institution. Continued effort has been made to maintain perfect cleanliness in all the buildings, cellars, outhouses and grounds. The diet of the children has been carefully looked to and a minute and complete record kept of the foods served at every meal. The pupils are encouraged to take regular exercise in the open air, and they give full evidence in their healthful and vigorous appearance of the advantages which they enjoy.

THOS. M. FLANDRAU, M. D.

PUPILS

Who have been connected with the Central New York Institution for Deaf-Mutes, within the year ending September 30, 1880.

	Males.	Females.	Total.
Number connected with the institution, September 30, 1879.....	82	63	145
New pupils admitted.....	14	9	23
Whole number.....	96	72	168
Number who left during the year.....	5	11	16
Number connected with the institution, September 30, 1880.....	91	61	152

Of the whole number during the year, there were supported by the State of New York one hundred and one; by the counties, sixty-six; by parents, one. Total, one hundred and sixty-eight.

MALES.

Names.	Towns.	Counties.
Abell, Herbert S.....	Geddes.....	Onondaga.
Adams, Willie.....	Rome.....	Oneida.
Aulterhouse, Augustus.....	Red Hook.....	Dutchess.
Bellinger, William.....	Forest Port.....	Oneida.
Bellinger, Charles.....	Forest Port.....	Oneida.
Bell, Thomas.....	Albany.....	Albany.
Blair, Anthony.....	Utica.....	Oneida.
Bossom, Jacob.....	Binghamton.....	Broome.
Boxley, Clarence.....	Troy.....	Rensselaer.
Boyd, Lewis.....	Cazenovia.....	Madison.
Bremner, Thomas.....	Syracuse.....	Onondaga.
Baker, Frank H.....	Auburn.....	Cayuga.
Brennan, Patrick.....	Kirkland.....	Oneida.
Brownlee, John H.....	Lyonsdale.....	Lewis.
Carpenter, Daniel G.....	Gloversville.....	Fulton.
Claus, Cornelius K.....	Adams.....	Jefferson.
Churchill, Frank J.....	Albany.....	Albany.
Cook, Lindley.....	Taberg.....	Oneida.

Names.	Towns.	Counties.
Cox, Willie.....	Lorraine.....	Jefferson.
Darrell, Manley.....	Elmira.....	Chemung.
Dickson, Daniel.....	Delhi.....	Delaware.
Dingman, James, Jr.....	Vernon.....	Oneida.
Ellsworth, Willie E.....	Morristown.....	St. Lawrence.
Emio, Napoleon.....	Clayton.....	Jefferson.
Esling, Merritt E.....	Frankfort.....	Herkimer.
Fields, Birney.....	Watertown.....	Jefferson.
Francis, Frank.....	Mina.....	Chautauqua.
Furey, James F.....	Saratoga Springs.....	Saratoga.
Gardner, Henry A.....	Mannsville.....	Jefferson.
Gardner, Willie.....	West Camden.....	Oneida.
Getman, Charles.....	Johnstown.....	Fulton.
Gibbs, Charles.....	Sodus.....	Wayne.
Gleasant, William.....	Ava.....	Oneida.
Hahn, Maximilian.....	Rome.....	Oneida.
Hilt, Walter.....	Rome.....	Oneida.
Houghtaling, William H.....	Penn Yan.....	Yates.
Hoxie, Olin.....	Rose.....	Wayne.
Hubbard, William A.....	Paris Hill.....	Oneida.
Huffstater, L. D.....	Ellisburgh.....	Jefferson.
Johanns, John, Jr.....	Johnstown.....	Fulton.
Jones, John.....	Rome.....	Oneida.
Keller, John L.....	Syracuse.....	Onondaga.
Keller, John F.....	Geddes.....	Onondaga.
Kennan, Andrew, Jr.....	Clay.....	Onondaga.
Keenney, John.....	Greig.....	Lewis.
Kenyon, Jessie H.....	Taberg.....	Onondaga.
Keyes, Archibald.....	Western.....	Oneida.
Keyes, Gaylord.....	Western.....	Oneida.
Knox, Morris H.....	Elmira.....	Chemung.
Lashbrooks, Charles.....	Gouverneur.....	St. Lawrence.
Lee, Frank O.....	Little Falls.....	Herkimer.
Lynch, James.....	Binghamton.....	Broome.
Maxwell, Joseph.....	Pulaski.....	Oswego.
Messinger, Charles.....	Constantia.....	Oswego.
McGrath, Roger.....	Ridgeway.....	Orleans.
McCabe, James.....	Elmira.....	Chemung.
McCabe, Daniel.....	Elmira.....	Chemung.
Miller, Adam.....	Little Falls.....	Herkimer.
Minkle, Martin.....	Strykersville.....	Wyoming.
Norton, Willie.....	Sandy Hill.....	Washington.
Odell, Leonard W.....	Lorraine.....	Jefferson.
Orr, Omer.....	West Oneonta.....	Otsego.
Ort, John.....	Bleecker.....	Fulton.
Parker, Willie.....	Ripley.....	Chautauqua.
Post, Reuben C.....	Stillwater.....	Saratoga.
Pousho, Charles.....	Oswego.....	Oswego.

Names.	Towns.	Counties.
Riley, William.....	Verona.....	Oneida.
Risley, Charles S.....	New York Mills.....	Oneida.
Sayles, Amos A.....	Lenox.....	Madison.
Shepherd, Mather E.....	Lyon's Falls.....	Lewis.
Shaw, George W.....	Kendall.....	Orleans.
Shaw, Arthur.....	Watson.....	Lewis.
Shaw, Matthew.....	Watson.....	Lewis.
Shubert, Arthur.....	Lewis.....	Lewis.
Smith, James E.....	Schenectady.....	Schenectady.
Smith, George.....	Albany.....	Albany.
Snell, George McClellan....	Little Falls.....	Herkimer.
Stearns, Willie.....	Orwell.....	Oswego.
Stewart, George.....	Lenox.....	Madison.
Stafflinger, Jacob.....	Buffalo.....	Eric.
Taplin, Sidney.....	Morristown.....	St. Lawrence.
Taylor, Martin.....	Berlin.....	Rensselaer.
Thomas, John.....	New Hartford.....	Oneida.
Van Allen, Harry.....	Clayton.....	Jefferson.
Van Dyke, Edwin.....	Ava.....	Oneida.
Walsh, James.....	Binghamton.....	Broome.
Woodworth, Stiles.....	Clay.....	Onondaga.
Wilkens, Erastus.....	Half Moon.....	Saratoga.
Woolever, Franklin.....	Herkimer.....	Herkimer.
Woolever, Duglass.....	Herkimer.....	Herkimer.
Wright, Walter.....	Glens Falls.....	Warren.
Total.....		91

FEMALES.

Names.	Towns.	Counties.
Alton, Julia.....	Oswego.....	Oswego.
Ashton, Minerva.....	Northampton.....	Fulton.
Bellinger, Eva.....	Ava.....	Oneida.
Brett, Emily.....	Watertown.....	Jefferson.
Brownlee, Susanna.....	Lyonsdale.....	Lewis.
Burkhardt, Henrietta F....	Oswego.....	Oswego.
Campbell, Rostella.....	South Otselic.....	Chenango.
Carpenter, Maggie.....	Utica.....	Oneida.
Collamer, Alice.....	Milton Center.....	Saratoga.
Collamer, Hattie.....	Milton Center.....	Saratoga.
Conner, Catharine.....	Syracuse.....	Onondaga.
Costolo, Mary.....	Pompey.....	Onondaga.
Craner, Maria.....	Hastings.....	Oswego.
Clary, Mary.....	Deansville.....	Oneida.
Day, Frankie.....	Fort Edward.....	Washington.
Dawley, Stella.....	Richland.....	Oswego.
Demers, Eva.....	Troy.....	Rensselaer.
Evans, Ella.....	Turin.....	Lewis.

Names.	Towns.	Counties.
Evans, Mary.....	Elmira.....	Chemung.
Flood, Addie.....	Boonville.....	Oneida.
Frink, Lizzie.....	North Norwich.....	Chenango.
Getman, Ida.....	Johnstown.....	Fulton.
Gorton, Cora.....	Oriskany Falls..	Oneida.
Hogeboom, Hattie L.....	Schodack.....	Rensselaer.
Hunter, Martha.....	Troy.....	Rensselaer.
Hughes, Charlotte.....	Saltsbury.....	Herkimer.
Johnson, Helen.....	Clayton.....	Jefferson.
Johnson, Mary.....	Canastota.....	Madison.
Lawton, Grace.....	Elleny.....	Chautauqua.
Livermore, Deetta.....	Solsville.....	Madison.
Lyon, Florence M.....	Afton..	Chenango.
Mack, Jennie.....	Taberg.....	Oneida.
Miller, Minnie.....	Ames.....	Montgomery.
Miller, Emma.....	Syracuse.....	Onondaga.
Miller, Gertrude.....	Berlin..	Rensselaer.
Minnoe, Virginia.....	Clayton.....	Jefferson.
Monahan, Mary Ann.....	Utica.....	Oneida.
Morrow, Gertrude.....	Georgetown.....	Madison.
Mulligan, Hattie L.....	Watertown.....	Jefferson.
Olds, Nettie Maud.....	Brierhill.....	St. Lawrence.
Olds, Hettie J.....	Maryland.....	Otsego.
Oliver, Jessie.....	Glendale.....	Lewis.
Randall, Ella J.....	Rochester.....	Monroe.
Semple, Mary.....	Utica.....	Oneida.
Sheridan, Ada.....	Little Falls.....	Herkimer.
Shankenberry, Barbara.....	Boonville.....	Oneida.
Shutts, Cora.....	Hannibal.....	Oswego.
Shaw, Jennettie E.....	Watson.....	Lewis.
Stelson, Ella.....	Manlius.....	Onondaga.
Stewart, Elizabeth M.....	Lenox.....	Madison.
Stephens, Florence H.....	Verona.....	Oneida.
Skye, Isabella.....	West Eaton.....	Madison.
Tripp, Louisa.....	Syracuse.....	Onondaga.
Ullrich, Caroline.....	Marcy.....	Oneida.
Warner, Mary E.....	Mayfield.....	Fulton.
Weeks, Grace.....	Skaneateles.....	Onondaga.
Weinbrecht, Louisa.....	Troy..	Rensselaer.
Williams, May.....	Western.....	Oneida.
Winegar, Annie.....	Utica.....	Oneida.
Winegar, Jennie.....	Utica.....	Oneida.
Wolfe, Minnie.....	Rome.....	Oneida.
Total.....		61

REPORT OF THE PRINCIPAL.

To the Board of Trustees of the Central New York Institution for Deaf-Mutes :

GENTLEMEN — According to custom and in obedience to the by-laws of this institution, I herewith present the sixth annual report of the Central New York Institution for Deaf-Mutes, and in so doing I can with pleasure state that the advancement and progress of the institution has been very satisfactory. Those of the State officials and parents of pupils who have visited us have expressed themselves highly pleased with the workings of the institution.

The course of studies and arrangement of classes have been the same as I stated in my last report, with the exception that philosophy and physiology were added to the advanced department. In the educational department, the vacancy caused by Miss Jennie Van Tassel, who resigned her position in February, to accept a similar one in the Iowa Institution, was filled by the appointment of Mr. James Edwin Story, of Cherry Valley, N. Y., a graduate of the high class of the New York Institution.

The changes in the domestic department have been the resignation of the matron, Mrs. Amorette Smith, and that of the housekeeper, Mrs. Celia M. Pattee, both positions being supplied by promotions from the corps, Mrs. Mary Adella Griffin, the sewing matron, filling the position of matron, and Mrs. Edward Johnson, boys' seamstress, that of housekeeper. The vacancies created by the promotions have been filled respectively by the appointment of Miss Belle Huntington and Mrs. Esther Flint, both residents of Rome. The vacancy caused also by the resignation of Thomas G. Nelson, supervisor of the boys, who went to New York to accept a more lucrative position, was filled by the appointment of Prof. Eddy for the remainder of the term.

By the system of instruction pursued in this institution, the one known as the "combined method," each pupil receives instruction through signs, through dactylology or spelling, and, if his vocal powers be good, through articulation. The degree of the use of these triple helps depends upon the time allowed in school, the advancement and adaptability of the pupil. The majority of the instructors employed are persons of that experience and judgment which renders it possible for the principal to commit a class to their care, with the conviction that the work of education will be well done. They are all familiar with the sign language — the teacher

of articulation alone excepted — and she would acquire it, did it appear necessary in her work.

The experience of each year strengthens our belief that the greatest success with the greatest number of pupils lies not in the encouragement of extremes, but in their avoidance. With the language of signs the instructor has the only reliable test of the comprehension, by his pupils, of a given subject or idea. With dactylology he has a substitute and an alternative in writing, and as the pupils increase in years and knowledge there is a greater tendency to its frequent use in the school-room. This growth of intellect brings a higher course of study requiring intensified application and delicate shades of explanation, so that the language of signs remains as much a necessity at the ending as at the beginning of the pupil's instruction. While we need it to make the child comprehend that his "yellow cat eats meat," we find it necessary also to the young graduate for a clear explanation of "man! thou pendulum betwixt a smile and tear," or most other metaphors or figures of speech.

The deaf-mute is not a fool. He can in the earlier years of his instruction understand vastly more than he can express in the form of conversation known as the English language. He has ideas which he can let out by the language of signs, which he cannot by any other method, and the same is true of the ideas he receives. To deny him this means of expression and impression is to arbitrarily regulate his mental development, if not to dwarf it in a measure. Extreme dactylology is an astringent system of teaching and finds no place in our creed. The system of quarterly examinations, detailed in former reports, has been continued through the year, with gratifying results. The course of instruction has been of an advanced order and the examinations have been proportionally severe, yet the average of the classes has been higher. These remarks do not apply to the primary department, the youth of the pupils there precluding the introduction of the system; but personal examinations class by class have satisfied us that they partake in the march of general improvement. For specimens of the examination papers we respectfully refer to those offered in the appendix.

The institution now partakes in all the advantages the State has to bestow. It has a class for the higher education of its more advanced pupils, a legislative enactment of last winter giving the Superintendent of Public Instruction full power to continue under instruction, for three years, such pupils as may have completed their regular course and who evince sufficient mental power and ambition to successfully go through a prepared course of the higher branches of learning. With the commencement of the school year, first of September last, the initial steps were taken toward the organization of a high class, and at this writing it has two members, under the direct personal instruction of the principal, and in his absence, of that of a competent professor. A course of study has been mapped out for the year and already considerable and encouraging progress has been made by the pupils. In a few years this

class will grow into an important and interesting feature of the educational department of the institution.

The carpenter-shop has been a veritable *multum in parvo* and the skill evinced by its boys in the use of tools is visible in all parts of those of our buildings that need frequent repair and improvement.

The shoe-shop has turned out satisfactory work and we hope before many years to utilize our frame school building for a series of shops of which the above mentioned are the nucleus.

The sewing department also, under the able management of the sewing matron, has turned out work which would do good justice to a first-class dressmaking establishment. The hours for school and meals remain the same.

The pupils have formed themselves into a literary association, and on Saturday evenings alternate a debate with a lecture on some subject by one of the instructors. A social reunion also, once a month, serves to make their time pass away pleasantly and adds greatly to their enjoyment. The principal has arranged a course of monthly lectures to the pupils by the instructors for the coming year; these are entirely independent of the programme of the pupils' literary club.

The pupils attend chapel regularly every Sunday, where services of a religious nature are conducted by the gentlemen teachers in rotation. They also spend a part of the Sabbath in the study of some scriptural books, such as "Peet's Scripture Lessons," and "Foster's Story of the Bible." Some of the more advanced pupils study passages from the Bible itself. Each school day is opened by chapel services lasting about fifteen minutes and usually conducted by the principal in person.

THE BUILDINGS.

The two-story brick building, finished and occupied by the primary department at the date of the last report, enabled the institution to dispense with but one of its cluster of hired houses. These and the new building constituted the accommodations of the school through the year. In July, work was commenced on a second brick building, about four hundred feet from the first one erected, but of a larger size. It is expected to be ready for occupancy by September 1, 1881, and by the same time we are in hopes there will be ready a hospital building in an isolated part of the grounds, a thing we greatly need, as the present one by no means affords sufficient accommodations. This will furnish room for the present pupilage; but if the institution is to complete its growth, a third building will be necessary.

The question of heating the buildings is a serious one. The two large Boynton furnaces in the occupied building are failures and it is evident that steam alone can satisfactorily cope with our frigid winters. I recommend the erection of an engine and boiler-house,

with sufficient facilities to supply steam to every building in use and to those to be erected and also to furnish hot water to every bath-room and to such parts of the buildings as may be required. It has been conclusively proved that the kitchen range is utterly inadequate to meet a fractional part of the legitimate demands in the way of heating water. To build and equip an engine-house may entail an expense not required, if a boiler is put here and there in the basement of a building, but it will be the safest on account of its simplifying the work of the engineer and enabling him to have the whole under his eye; and as it is the recorded experience of all institutions that they must eventually come to it, we would be wise to anticipate and not be driven.

THE HEALTH OF THE PUPILS.

The institution has passed a healthy year, there being no deaths among the pupils due to disease. A sad and fatal accident, however, occurred at the new building in June last, by which a girl, by the name of Annie E. Curtis, met her death. The facts and details of said accident you are all cognizant of, so I will not go into particulars, but will refer you to the report of our worthy and excellent physician for further information in this department.

ACKNOWLEDGMENTS.

We are happy to acknowledge the receipt of the following newspapers: *The Rome Sentinel*; *The Roman Citizen*; *Deaf-Mute Record*, Fulton, Mo.; *The Deaf-Mute Journal*; *The Modern Times*, Delavan, Wisconsin; *The Goodson Gazette*; *The Nebraska Mute Journal*; *The Kansas Star*; *The Mute's Chronicle*, Columbus, Ohio; *The Deaf-Mute Mirror*; *The Mute's Companion*, Fari-bault, Minn.; *The Deaf-Mute Advance*, Jacksonville, Ill.; *The Kentucky Deaf-Mute*; *The Tablet*, Romney, West Va.

The institution has not escaped its share of embarrassment growing out of the consecutive reductions of the *per capita* appropriation of the State for the support and education of pupils. We hopefully join in the expressed wish of all the friends of the deaf that the tendency of appropriations will hereafter be adequately upward.

Respectfully submitted,

EDWARD BEVERLY NELSON,

October 1, 1880.

Principal.

EXAMINATION PAPERS.

ARITHMETIC.

1. What is arithmetic? What is subtraction?

2. $(5 \times 6) - (3 \times 2) - (10 + 5) + (750 \times 19) =$ how many? John has 65 marbles and gives 19 to Henry; how many has he left?

3. If you recite 3 lessons each day, how many lessons will you recite in 5 days? How much will 12 oranges cost at 3 cents apiece?

4. If I pay 5 dollars for a barrel of flour, and 11 dollars for a load of coal, what do both cost me? If a steamboat sail 10 miles an hour, how far will it go in 7 hours?

5. Add—

565432456
129834567
256789068
435123456
321896754

4567891234
5678912345
6789123456
7891234567
9123496789

6. Multiply—

53462	32164	45678	136458	426899
5	6	9	7	6

7. Subtract—

53246	12345	501060	90016	01564
34895	1823	203596	89672	00985

8. $(675 - 34) + (324 \times 2) - (216 + 31) =$ how many? What will 12 bushels of apples cost at 5 shillings a bushel?

9. Subtract—

43654	79123	90806	40160	41682456
21435	62431	42369	39289	38191306

10. Multiply—

3675	156789	56432	12345	56789
3	57	39	46	68

Annual—June, 1880.

GEOGRAPHY.

1. How many Western States are there? What is a Lake?
 2. Where is Lake Superior? Lake Erie? Lake Huron? Lake Michigan? Lake Champlain?
 3. What is an Island? What Island south of Florida?
 4. Where is Chesapeake Bay? Name the Southern States.
 5. Give the capitals of the following States and tell where each is situated:

1 New York,	3 New Hampshire,
2 Massachusetts,	4 Ohio,
5 Mississippi.	
 6. What States border on the Pacific Ocean? What three States east of New York?
 7. What Cape east of North Carolina? South of Florida?
 8. What is a Cape? An Isthmus? A Strait? An Ocean? A Sea.
 9. Where is British America? Mexico? Kansas? Missouri? Pennsylvania?
 10. What is a map? the direction on a map?
- PROF. EDDY'S CLASS. Annual—June, 1880.
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THIRD READER.—(LESSONS I TO XXXII INC.)

1. What is the light of love? What happens when a man's heart is full of love? What is a dialogue? Write the various uses of rain. Tell all you know about the reindeer.
 2. Define—

Unmannerly,	remind,	Sunday,	sufficient,	garlands,
Decayed,	Sabbath,	suppose,	plodding,	factory.
 3. Write sentences from the following words: "precious," "resolved," "unruly," "obey," "indolence."
 4. What shows the greatness of God? Describe the camel, and tell what he is called. What is a Simoon? What time is required to cross the Great Desert? What is the use of the camel?
 5. Form sentences from the following words:

Escape,	resist,	catch,	know,	come,
Powerless,	restore,	caught,	knew,	came.
- PROF. CHAMBERLAIN'S CLASS. Annual—June, 1880.
-

SECOND READER.

1. What can you tell about the lion? What would he do if he were to get out of the cage?

2. Write sentences from the following words:

Dawn,	fence,	cross,	strong,	catch,
Once,	useful,	teeth,	caught,	sharp.

3. Relate the story of little Hugh. Write all you can about an old ape by the name of Pont.

4. Form sentences from the following words:

North,	east,	draw,	write,	idle,
South,	west,	drawn,	wrote,	study.

5. Tell all what God sees and knows. Why do people burn wood in a stove? Where does coal come from? How do men work in mines? Describe the owl.

Annual — June, 1880.

SCRIPTURE LESSONS.

1. What were the names of the sons of Isaac? Whom did Abraham forbid Isaac to marry? What was Abraham's wish concerning Isaac? Who was Bethuel, and where did he live? Whom did Isaac marry?

2. Who was Lot? Where did he live? On what condition would God spare Sodom? What did the wicked Sodomites hear, and what did they do? What became of Lot's wife?

3. What false Gods did the people worship after the flood? How did God punish them? What was the character of Noah? What did Noah build? How long did God cause it to rain?

4. When did the water begin to abate? What happened after ten months? After nine months? How long was Noah and his family in the ark? What did Noah do when he came out of the ark?

5. Who were Cain and Abel? What were their characters? Why did Cain hate his brother? What happened to Abel? Who was the first man? The first woman?

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ARITHMETIC.

1. What will $20\frac{1}{2}$ tons of coal cost at $\$3\frac{1}{2}$ a ton? What will 10 pounds of candy cost at $20\frac{1}{2}$ cents a pound?

2. John had 5 bushels of apples and gave away $3\frac{1}{2}$ bushels; how many had he left? Cora had a stick of candy and gave $\frac{2}{3}$ of it away, how much had she left?

3. From $9\frac{1}{2}$ take $2\frac{1}{2}$. Subtract $\frac{1}{2}$ from $\frac{3}{4}$.

4. What is the sum of $\frac{2}{3}$, $\frac{5}{6}$, $\frac{1}{3}$? Add $\frac{1}{2}$, $15\frac{1}{2}$, $42\frac{1}{2}$ and 50 together.

5. What is the value of $\frac{3}{4}$ times $\frac{1}{2}$ of $\frac{2}{3}$ of 10? What is the value of $\frac{1}{12}$ of $\frac{1}{2}$ times $\frac{1}{4}$ of $3\frac{3}{4}$?

6. Divide $13\frac{3}{4}$ by 10. Divide $\frac{5}{8}$ of 8 by 20.

7. Give the table for United States money. Write one dollar five cents eight mills.

8. Reduce \$14 to mills. In \$51 how many cents.

9. In 203062 mills how many dollars? In 3427 cents how many dollars?

10. What is the sum of 30 dollars 9 cents; 200 dollars 63 cents; 27 dollars 36 cents 4 mills, and 10 dollars 16 cents? $(\frac{2}{3} + \frac{3}{10}) \times (\frac{7}{8} \times \frac{2}{3} \times \frac{3}{4}) \div (\frac{3}{10} \times \frac{1}{10} \times \frac{1}{8}) =$ how many?

PROF. CHAMBERLAIN'S CLASS.

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HISTORY.—(LESSONS I TO X INC.)

1. Who was Columbus and what did he do? Tell about the discovery of America.

2. What war ended in 1697? When did "Queen Anne's war" end and how long did it last?

3. Write what you can about "King William's war." Give an account of "King Philip's war."

4. What was the first Indian war called, and when did it begin? Tell about the founding of Georgia.

5. Write about the settlement of Maryland? What happened in 1680?

6. Relate the story of Hannah Dustin. What do you know about the settlement of New York?

7. How many people came over in 1620? For what purpose? Who were they? Why did they come to America? Tell about the "Mayflower."

8. Describe the tomahawk and tell what it was used for. When did Queen Anne's war end?

9. In what do Indians delight? What are their weapons of war?

10. When did the French and Indian war begin? When did Columbus die? What two armies met near Quebec, September 13, 1759? State the result. What war ended in 1763?

PROF. CHAMBERLAIN'S CLASS.

Annual — June, 1880.

GEOGRAPHY.

1. Name the countries of South America.
2. Tell where the following capes are, and into what waters they project:

St. Roque,
Horn,

Gallinas,
Hatteras,

Farewell.

3. What is a Cape? A Strait? A Sea? A Peninsula? A Lake?

4. Where is Chesapeake Bay? Mount Chimborazo? Lake of the Woods? Florida Strait? Mount Washington?

5. What are the capitals of the following States, and tell where each is situated?

Vermont,
Nevada,

Ohio,
Minnesota,

South Carolina.

6. Name the countries of North America.

7. What is a Bay? An Island? An Ocean? A Continent? A volcano?

8. Where is the United States? Washington? Montpelier? Raleigh? Richmond?

9. Mention the great lakes. Name the five oceans. Where are the Rocky Mountains? The Andes? The Gulf of Mexico is south of what country?

10. In what State do you live? What States surround your State? What State and lake north of Ohio? What is a map? What is geography.

PROF. CHAMBERLAIN'S CLASS.

Annual — June, 1880.

HISTORY.—(LESSONS I TO XII INC.)

NOTE.—I. Be sure you understand fully each question before trying to answer it.

II. Write *only* what is required.

III. Write *fully* what is required.

1. When did the "War of the Revolution" begin, and what did it end with?

2. What did England resolve to do to the Americans? What was ordered in 1764?

3. What happened in 1765? What was the "Stamp Act," and why was it so called?

4. What did the Americans think of the "Stamp Act?" On what other things did England tax the Americans?

[Assem. Doc. No. 18.]

5. Relate about the destruction of tea at Boston, and in what year it occurred? What was the "Continental Congress," and upon what did they agree?

6. Where is Concord, and what were stored there? Describe the "Battle of Bunker Hill," and tell where Bunker Hill is.

7. By whom was the Declaration of Independence made; who wrote it, and by whom was it signed? When, where and who took command of the American army?

8. State the condition of the inhabitants, agriculture, commerce and manufactures between 1713 and 1756. Describe the battle near Quebec in 1759.

9. When did King Philip's war end? When did King William's war begin? What war began in 1702? In 1637? Name the Southern States belonging to the old thirteen.

10. By whom were the Carolinas first visited? Tell about the settlement of Georgia. What happened in 1609? In 1620? Tell about the settlement of Jamestown.

PROF. SELINEY'S CLASS.

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ARITHMETIC.

1. What is a fraction? What is arithmetic?

2. If I have \$500, and pay one man \$45.75; to another, \$87.88; and to another, \$125.50; how much will I have left? What is the value of $\frac{3}{4}$ yards of cloth at \$1 a yard?

3. I earned \$3 $\frac{3}{4}$ on Monday, \$6 $\frac{1}{2}$ on Tuesday, \$4 $\frac{1}{2}$ on Wednesday, and \$10 $\frac{1}{4}$ on Thursday; how much did I earn in all? (Give the answer in dollars and cents.)

4. Give the table for United States money. What is multiplication?

5. James Smith had 49 $\frac{1}{2}$ bushels of corn, and sold 28 $\frac{1}{2}$ bushels; how many had he left? If 36 $\frac{1}{2}$ bushels of wheat cost \$12 $\frac{1}{2}$, what will one bushel cost?

6. Bought $\frac{3}{4}$ bbl. sugar at \$29.50 a barrel.

$\frac{1}{4}$ bbl. apples at \$4.75 a barrel.

$\frac{1}{2}$ bbl. flour at \$8.50 a barrel.

What did it all cost?

7. Cora's aunt gave her 5 $\frac{1}{2}$ dollars; her father gave her 6 $\frac{1}{4}$ dollars, and her brother gave her $\frac{3}{4}$ of a dollar. She spent 9 $\frac{1}{2}$ dollars for a dress; how much money had she left?

8. Take 1 $\frac{3}{4}$ from 3. From 16 $\frac{3}{4}$ take 7 $\frac{1}{4}$.

9. ($\frac{2}{3}$ of 5 $\frac{1}{2}$) \div 3 $\frac{1}{2}$ + ($\frac{2}{3} \times \frac{1}{2} \times 6\frac{1}{2}$) \times ($\frac{2}{3} - \frac{1}{3}$) = how many?

10. Find the value of $\frac{(3 - \frac{1}{2} + \frac{1}{3}) \div 2}{(1 \div 2) + (3\frac{1}{2} \text{ of } 3)}$

PROF. SELINEY'S CLASS.

Annual — June, 1880.

GEOGRAPHY.

1. Bound Africa. United States.
2. Mention all the countries of Europe.
3. Where are the following capes and into what waters do they project?

North Cape,
Good Hope,

Cape Clear,
Cape St. Roque,

Cape Horn.

4. Where are the Alps Mountains? Pyrenees?
5. Between what lands are the following Straits and what waters do they connect?

Behring,
Hudson,

Davis,
Gibraltar,

Magellan.

6. What is a strait? A Lake? A Sea? An Isthmus? An Island?

7. What are the capitals of the following States and where is each situated?

West Virginia,
Illinois,

Pennsylvania,
Massachusetts,

Alabama.

8. Where is Missouri? Kansas? New York? Pennsylvania? Ohio?

9. Name the mountains in the western part of the United States. What can you say of the Andes Mountains?

10. On which side of Mexico is the Gulf of Mexico? Name the countries of North America.

PROF. SELINEY'S CLASS.

Annual — June, 1880.

SCRIPTURE LESSONS.

NOTE.—I. Be sure you understand fully each question before trying to answer it.

II. Write *only* what is required.

III. Write *fully* what is required.

1. Who betrayed Christ, and what became of the betrayer? State what you know about the crucifixion of Christ.

2. Write in detail about the resurrection.

3. Who baptized Christ? What happened when he was baptized? What did he do during three or four years? What is said of the infancy and youth of Jesus?

4. Tell what you know about Jonah. Esther. Daniel. Solomon. David.

5. How old was Joseph when he died? Jacob? What became of Lot's wife? What did Noah do when he came out of the ark? Who were the first people on the earth?

Annual — June, 1880.

PHYSIOLOGY.

1. Tell all you know about the bones of the human body?
2. What can you say of the flesh? Of the muscles?
3. What is the use of our nails? How much blood has a full grown man in his body?
4. Describe the action of the heart. What are the arteries and veins?
5. State the action of the blood when you cut a vein and an artery. Tell what remedy is used.
6. Why is the blood red? What is the brain?
7. Write what you know about the nerves. What is the asthma? Consumption?
8. Describe the stomach and the relation it bears to the body.
9. Name the five senses. Describe the eye in detail.
10. Define Physiology and state the benefits you derive from its study.

ADVANCED DEPARTMENT.

Annual — June, 1880.

HISTORY.

NOTE.— Be sure you understand fully each question before trying to answer it.
Write *only* what is required.
Write *fully* what is required.

1. Where were the first three settlements made beyond the Alleghany Mountains? Write what you can about Daniel Boone, and describe his dress and arms.
2. What is the meaning of the word Kentucky? When did it become a State?
3. Tell all you can about Tennessee. Write about the settlement of Ohio, and tell when it became a State.
4. What was the cause of the war of 1812? What happened in the second year of the war?
5. Write fully about the great naval battle on Lake Erie. When did it happen?
6. Tell all you can about the battle of New Orleans. What can you say of "The Star Spangled Banner?"
7. Mention some of the most important of the Spanish explorations and settlements.
8. When did New York and New Jersey fall into the hands of the English?
9. What was the French and Indian war?
10. Name the early battles of the Revolution, and tell the result. Give an account of Burgoyne's campaign.

ADVANCED DEPARTMENT.

Annual — June, 1880.

GEOGRAPHY.

1. Where are the Straits of Ormus? of Sunda? of Dover? Behring? Babel-Mandeb?

2. What is the ruler of Russia called? Give the Countries and Islands of North America.

3. Give the States and Territories of the United States.

4. Where is the Mediterranean Sea? Gulf of Finland? Bay of Mobile? Sea of Kamtschatka? Gulf of Panama?

5. What can you say of the size of the Great Desert? Where is Dresden?

6. Tell me what you know of South America? What is the highest mountain peak in Europe?

7. Where are the following Islands and by what waters are they surrounded?

- | | |
|----------------------|-------------------|
| 1. St. Helena, | 3. Japan Islands, |
| 2. Greenland, | 4. West Indies, |
| 5. Sandwich Islands. | |

8. What country is noted for its large Rivers and immense Barren Plains, called Steppes? What is the climate of this country and in what are the people chiefly employed?

9. State all you know about England.

10. What are the Political Divisions of the earth? What are the Natural Divisions of the land?

ADVANCED DEPARTMENT.

Annual — June, 1880.

NATURAL PHILOSOPHY.

1. Upon what does the stability of a body depend? What is the line of direction?

2. Where may we place the support for the center of gravity? When is a body said to be in equilibrium?

3. Describe the three kinds of equilibrium.

4. That a body may stand, where must the line of direction pass? What is the center of gravity of a body?

5. Upon what does the strength of gravitation depend? What is Inertia?

6. State the rule regarding the attraction when the quantity of matter is doubled. When the distance is doubled.

7. Name the varieties of attraction.

8. Why is a rod of iron so strong? How are the molecules of any body held together?

9. What is adhesion? What is weight?

10. What are physical properties? Chemical? What is Natural Philosophy?

ADVANCED DEPARTMENT.

Annual — June, 1880.

ARITHMETIC.

1. If 9 dozen spelling books cost \$7.87½, what will one dozen cost? 387 dozen?

2. What is United States money? When and by whom was it established?

3. Find the product of 134071834 by 249. Give the table of the United States money.

4. Find the value of $.07 \times 2.4 \times .015$. Find the value of $6\frac{1}{4} \times .4 \times 3.16$.

5. Paid \$181.15 for 61 sheep; what was paid for each? If 35 yards of calico cost \$122.50, what will 29 yards cost?

6. What is one of the equal parts of an integral unit called? What is a collection of fractional units called?

7. Name the five fundamental operations of arithmetic? What is the result obtained in subtraction called?

8. Find the value of $2374\frac{3}{4} - 287 \div 9173$. Of $\frac{2}{3} + \frac{5}{4} + \frac{3}{4} \div 8 + \frac{1}{2}$.

9. Multiply $\frac{3}{4\frac{1}{2}}$ by $\frac{3\frac{1}{2}}{\frac{1}{4}}$. $\frac{\frac{3}{4}}{4\frac{1}{2}} + \frac{\frac{3}{4}}{\frac{1}{4}} \div \frac{5\frac{1}{2}}{3} =$ how many?

10. What will $3.4\frac{3}{4}$ lbs. of tea cost, at \$1.20 per pound? Multiply 40607.0001 by .00070007.

ADVANCED DEPARTMENT.

Annual — May, 1880.

BY - L A W S.

ARTICLE I.

Of Members.

- I. Any one paying twenty-five dollars at one time shall be a life member, and as such qualified to vote for trustees.
- II. Members may be elected at an annual meeting.

ARTICLE II.

I. The annual meeting of the members shall take place at the institution on the first Tuesday of February, at 2½ o'clock in the afternoon, of which meeting the secretary shall give one week's notice in two papers published in the city of Rome.

II. Two inspectors of the election shall be appointed by the president or other presiding officer of the meeting.

III. The election of trustees shall be certified in writing by the inspectors of election, and their certificates shall be recorded in the minutes of the board.

IV. The trustees shall be divided into three classes, in such a manner that the terms of office of five shall expire each year. At every annual election the vacancies in office thus occurring shall be filled by election for three years. Vacancies in office occurring by death, resignation or refusal to serve shall be filled by the board for the unexpired term.

ARTICLE III.

Officers of the Institution.

I. The officers of the society shall be a president, two vice-presidents, a treasurer and a secretary, who shall be elected by the board from their own number.

II. The office of secretary and treasurer may be held by the same person.

ARTICLE IV.

I. The board of trustees shall hold meetings on the Tuesday following the last Sunday in January, April, July and October in each year at the institution, or at such other place as the board may di-

rect, and also whenever called by the president or any three trustees. A majority of the board shall constitute a quorum for the transaction of business.

II. At the meetings of the trustees the order of business shall be as follows :

1. Reading of the minutes of the last meeting.
2. Reading the minutes of the executive committee.
3. Reports of committees.
4. Reports of the treasurer and principal.
5. Report of the physician.
6. Miscellaneous business.

III. All motions or resolutions shall be presented in writing, except motions to adjourn or to take a recess.

IV. All persons appointed or employed under the authority of the board shall hold their respective employments, subject to being terminated at any time during the pleasure of the board, and the trustees shall fix the compensation of all persons appointed by them.

ARTICLE V.

Of the Executive Committee.

I. There shall be an executive committee of the trustees, appointed annually by the board at the first meeting after the annual election, consisting of five members, including the president, who shall always be a member of the committee. To this committee the exercise of the powers of the board is intrusted between the meetings of the board. But no purchase, lease or sale of real estate shall be made except on the sanction of the board of trustees.

II. The executive committee shall hold a meeting at the institution on the last day of each month, except when that day falls on Sunday, when it shall be held on the day following. They shall see that all orders of the trustees are promptly carried into effect, and shall examine the bills of expenditures and certify them for payment by the treasurer, by drafts to the order of the principal. They shall examine and approve, modify or reject the bills of wants submitted by the principal. The fiscal year of the institution shall end on September thirtieth, each year.

ARTICLE VI.

Of the President and Vice-Presidents.

I. The president, or in his absence, one of the vice-presidents, shall preside at the annual meeting of the members and at all meetings of the trustees. In the absence of the president and vice-presidents a temporary chairman shall be appointed from among the trustees present.

ARTICLE VII.

Of the Treasurer.

I. The treasurer shall have charge of all the securities and funds of the institution, and shall make such disposition of the money on hand, not needed for immediate use, as the trustees shall direct. He shall have charge of the deeds and other evidences of title belonging to the institution.

II. He shall present to the trustees at each quarterly meeting a quarterly report, and at the stated meeting in November, each year, an annual report of his accounts and of the funds of the institution.

III. He shall not pay out the money of the institution except on the draft of the executive committee.

IV. He shall always give bond, with such security or securities as the executive committee shall approve, for duly accounting for and paying over, on request of the board, the funds in his charge, and this bond shall be in the custody of the president of the board.

ARTICLE VIII.

Of the Secretary.

I. The secretary shall keep minutes of the proceedings at all the meetings of members and of the board of trustees, and record them in a book to be kept by him for that purpose, and perform such other duties as the trustees may assign to him.

II. He shall give notice of the time and place of meetings of the members of the institution and of the board of trustees.

ARTICLE IX.

I. The board may appoint an officer to be denominated the counsel of the board. He shall have the custody of all legal papers and shall be charged with the prosecution all claims and resistance of all contested demands on the part of the institution.

ARTICLE X.

Of the Principal.

I. The board of trustees shall appoint a principal, who shall be the executive head of the institution, and shall have charge of the educational and internal affairs of the institution, subject to such directions as may from time to time be given by the board.

II. He shall regulate the course of instruction and arrangements of studies and classes, and have immediate charge of the advanced class.

III. He shall arrange and conduct all examinations and exhibitions of the pupils.

IV. He shall conduct all correspondence relative to the admission of pupils, and their education, and to the collection of money due

for board and tuition and clothing of pupils, and shall pay over all received by him, for the institution, immediately to the treasurer.

V. He shall enter, in a book to be kept for that purpose, a diary of all events, worthy of note, relating to the institution, which book shall be the property of the trustees, and be exhibited to the executive committee and submitted to the board at its quarterly meetings.

VI. He shall conduct the daily services in the chapel, in person, and one of the religious exercises on the Sabbath.

VII. He shall frequently inspect all parts of the buildings and premises, and lay before the executive committee such suggestions on repairs and alterations as may seem to him proper.

VIII. He shall hire, assign the duties of, direct, so far as he may deem proper, and dismiss, when he may consider it necessary, all persons whom it may be necessary to employ, not officers of the institution or appointed to places by the board of trustees.

IX. No employee shall be allowed to have any member of his or her family residing in, or at the expense of the institution.

X. He shall have power, with the approval of the executive committee, to suspend any professor, or teacher, or officer, appointed by the board of trustees, during the recess of the board.

XI. He shall attend all meetings of the board of trustees, presenting written reports at the quarterly meetings.

XII. He may speak on any matter under discussion.

XIII. He shall have power, temporarily, to suspend a pupil of the institution whenever he may deem it necessary for the maintenance of discipline, and he shall promptly report all such cases of suspension to the president of the board, whereupon the president shall call a special meeting of the executive committee, as soon thereafter as practicable, to take such action in the case as they may deem advisable. No pupil shall be expelled from the institution for any alleged violation of its rules, without having the privilege of being heard by the executive committee in his defense.

ARTICLE XI.

Of the Physician.

The physician shall be appointed annually by the board. He shall visit the institution daily, or as often as is necessary or required, make up recipes when required for the sick, and perform such other duties in the line of his profession as the principal or executive committee may require. He shall report on the state of his department quarterly, or oftener, if required, and make any suggestions he deems proper regarding sanitary regulations and attention to the health of the pupils.

ARTICLE XII.

Of the Pupils.

1. Every pupil who has not been vaccinated before being received into the institution shall be vaccinated without delay.

II. Pupils honorably dismissed from the institution shall receive a certificate signed by the principal.

III. No pupil shall be excused from recitation, attendance in the chapel, or during the hours of study, except by permission in writing, from the principal, and no pupil shall be absent from the institution without his leave in writing.

IV. Pupils shall not be allowed to retain any pocket money, but, on admission, shall deliver the same to the principal, who shall cause it to be credited on the books of the institution, and returned in such sums as he may deem advisable.

ARTICLE XIII.

Of the Steward, Matron and Housekeeper.

The board of trustees shall appoint a steward, a matron, and a housekeeper, who, with such assistants as may be needed, shall discharge the duties appropriate to their respective offices, under the general direction of the principal.

ARTICLE XIV.

Of the Accountant and Supervisor.

I. The board of trustees shall appoint an accountant and a supervisor. The accountant shall keep a complete record of the financial transactions of the institution. He shall submit to the treasurer a statement of the condition of the various accounts, once in every three months, or whenever requested by the board or executive committee. This office may be filled by a professor or teacher of the institution.

II. The supervisor shall have charge of the boys, out of school, and during the hours of study, under the direction of the principal, and shall perform such other duties as he may prescribe. This office may be filled by a professor or teacher of the institution.

ARTICLE XV.

Of Examinations.

There shall be an annual examination of the pupils on the last day of the term, and on such days as the trustees may, from time to time, appoint.

ARTICLE XVI.

Of the Vacation.

There shall be a vacation from the last Wednesday of June to the first Monday of September, unless otherwise directed by the board.

ARTICLE XVII.

The trustees may, at any time, at a regular quarterly meeting, alter, amend or add to these by-laws.

TERMS OF ADMISSION.

I. The institution provides for pupils in all respects, traveling expenses, and, in the case of State and pay pupils, clothing excepted, at the rate of \$300 per annum. Clothing will be furnished by the institution, if desired, at an additional charge. "Payments must be guaranteed. Day pupils will be received at a charge of \$100 per annum, including books and stationery, payable semi-annually in advance."

II. The regular time of admission is at the commencement of the term, which begins the first Wednesday of September. Pupils are received at no other time, except in extraordinary cases.

III. No deduction will be made from the annual charge in consequence of absence on any account whatever, except sickness, nor for the vacation.

IV. Satisfactory security will be required for the punctual payment of bills, and the suitable clothing of the pupils. In the case of pupils supported by their parents or friends a bond may be required, the form of which is annexed to this report.

V. The selection of pupils over twelve years of age, to be supported at the public expense, is made by the Superintendent of Public Instruction at Albany, to whom communications on this subject can be addressed.

Parents having deaf-mute children under twelve years of age and over six may secure their admission to the institution as county pupils by the certificate of any overseer of the poor or supervisor of the county.

VI. Should objection exist to the admission of any individual, the board reserve to themselves, or their officers, a discretionary power to reject the application.

The above terms are to be understood as embracing the entire annual expense to which each pupil is subjected. Stationery and necessary school books are furnished by the institution. No extra charge is made, in case of sickness, for medical attendance, medicine or other necessary provisions.

It is suggested to the friends of deaf-mute children, that the names of familiar objects may be taught them with comparative ease before their admission, and that the possession of such knowledge in any degree materially facilitates their subsequent advancement. To be able to write an easy hand, or at least to form letters with a pen, is likewise a qualification very desirable. In reference to this subject, it is recommended that the words which constitute writing lessons, or *copies*, preparatory to admission, should be such as have been previously made intelligible to the learner.

In the case of each pupil entering the institution, it is desirable to obtain written answers to the following questions. Particular attention to this subject is requested:

1. Name of pupil in full.
2. Residence, town, county, State.

3. When was he born?
4. Where was he born?
5. Was he born deaf?
6. At what age was hearing lost?
7. By what disease or accident did he become deaf?
8. Is the above the physician's opinion?
9. Is the deafness total or partial?
10. Have any attempts been made to remove the deafness, and if so, by whom and with what result?
11. Have any attempts been made to communicate instruction?
12. Is there any ability to articulate or read on the lips?
13. Is he cleanly or otherwise in his habits?
14. Has he had any acute disease or received any bodily injury?
15. Is he laboring under any bodily infirmity, defective vision, eruption, malformation of limbs, glandular swelling, rupture, epilepsy, chorea or palsy?
16. Has he shown any signs of mental imbecility, idiocy or insanity?
17. Has he ever used ardent spirits, opium or tobacco?
18. Has he ever been vaccinated or had the small-pox?
19. Has he had the scarlet fever?
20. Has he had the measles?
21. Has he had the mumps?
22. Has he had the whooping cough?
23. Has he shown marked taste for any particular trade or business, or been accustomed to regular employment?
24. Are there any other cases of deafness in the family, among relatives or ancestors?
25. What is the name of the father?
26. Where was he born?
27. What is the name of the mother?
28. Where was she born?
29. What is the name and post-office address of the correspondent?
30. What is the occupation of the father?
31. Have either of the parents died?
32. Has a second connection been formed by marriage?
33. Were the parents related before marriage — *e. g.*, cousins?
34. What are the names and ages of their children?
35. What has been the pecuniary condition of the parents? Indigent? Easy circumstances? Affluent?
36. Has he any special mark or peculiarity of appearance?
37. Color, color of eyes, stature, color of hair?
38. By whom is this information given?

VII. Application regarding the admission or dismissal of pupils, and correspondence with reference to their support, health, education, and all matters pertaining to them, should be addressed to the principal of the institution.

E. B. NELSON,
Rome, N. Y.

LAWS AND BLANK FORMS.

RELATING TO THE ADMISSION OF PUPILS.

CHAPTER 325, LAWS OF 1863.

As amended by chapter 213, entitled "An act relative to the care and education of deaf-mutes."

PASSED April 29, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it shall be the duty of the overseer of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, or in the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution of the State for the education of deaf-mutes.

§ 2. Any parent, guardian or friend of a deaf-mute child within this State, over the age of six years and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing, by satisfactory affidavit or other proof, that the health, morals or comfort of such child may be endangered, or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf Mutes, or in the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in the State for the education of deaf-mutes.

§ 3. The children placed in said institution, in pursuance of the foregoing sections, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall

not exceed \$300 each, per year, until they attain the age of twelve years, unless the directors of the institution to which a child has been sent shall find that such child is not a proper subject to remain in said institution.

§ 4. The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institutions, not exceeding the amount of \$300 per year, above allowed, shall be raised and collected as are other expenses of the county from which such children shall be received; and the bills therefor properly authenticated by the principal, or one of the officers of the institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to *pay the same on presentation*, so that the amount thereof may be borne by the proper county.

§ 5. This act shall take effect immediately.

CHAPTER 13.

AN ACT in relation to the Central New York Institution for Deaf-Mutes at Rome.

PASSED February 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Central New York Institution for Deaf-Mutes, at Rome, is hereby authorized to receive deaf and dumb persons, between the ages of twelve and twenty-five years, eligible to appointment as State pupils, and who may be appointed to it by the Superintendent of Public Instruction, and the Superintendent of Public Instruction is authorized to make such appointment to the aforesaid institution, and, in his discretion, to date back the first thirty appointments to the first day of October, eighteen hundred and seventy-five.

CHAPTER 335.

AN ACT relating to the Central New York Institution for Deaf-Mutes, at Rome, New York.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Superintendent of Public Instruction to continue at the Central New York Institution for Deaf-Mutes, at Rome, New York, for a period not exceeding three years, for the purpose of pursuing a course of studies in the higher branches of learning, such pupils, not exceeding twelve in number, as may have completed their full term of instruction and who may be recommended by the trustees of said institution.

§ 2. This act shall take effect immediately.

APPLICATION

FOR THE ADMISSION OF COUNTY PUPILS.

To be made and retained by the Supervisor or Overseer of the Poor.

STATE OF NEW YORK, } ss.:
County of

..... of the town of in said county, hereby certifies that he is the of a deaf-mute child, residing in said town, and who was born on the day of, 18 , and that in consequence of the want of education, the health, morals and comfort of said child may be endangered or not properly cared for; and the undersigned hereby makes application for the said child to be placed in the Central New York Institution for Deaf-Mutes, for support and education, pursuant to chapter 325 of the Laws of 1863, as amended by chapter 213 of the Laws of 1875.

Dated, 18 .

CERTIFICATE.

To be granted by Supervisor or Overseer of the Poor, and sent to the Institution.

STATE OF NEW YORK, } ss.:
County of

I have this day selected of the town of county of son [or daughter] of who was born on the day of, 18 , as a county pupil, in the Central New York Institution for Deaf-Mutes, for the term of years from the day of 18 , to the day of, 18 (he being then 12 years of age), to be educated and supported therein, during that period, at the expense of the county of in conformity with the provisions of chapter 325, Laws of 1863, as amended by chapter 213 of the Laws of 1875.

..... }
..... of the town of

Dated, 18 .

FORM OF APPLICATION.

To be sent to the Superintendent of Public Instruction, Albany, in case of candidates for admission twelve years of age or over.

The undersigned of the town of in the county of do hereby certify that of said town, is deaf and dumb. The said was years of age on the day of, 18 ; is of good moral character,

free from disease, and possesses intellectual faculties capable of instruction.

The names of the parents of the said.....are.....and the said parents have resided in this State for the last three years. They respectfully apply for the appointment of said.....as a State pupil in the Central New York Institution for Deaf-Mutes; and I would recommend the application to the favorable consideration of the Superintendent of Public Instruction. The parents are unable to provide the said.....with clothing.*

Dated....., 18 ..

..... }
 } of the town of
 }

To the Superintendent of Public Instruction, Albany.

FORM OF BOND.

Know all men by these presents that we.....ofin the county of.....and State of.....andof.....in the county of.....and State of.....are held and firmly bound unto.....the treasurer of the Central New York Institution for Deaf-Mutes, and his successors in office, in the sum of.....dollars, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals. Dated at.....this.....day of.....A. D....

Whereas.....of.....in the county of.....and State of.....has been or is about to be admitted as a pupil in the institution aforesaid:

Now, therefore, the condition of this obligation is such, that if the above-named obligors shall well and truly pay during the continuance of the said.....as such pupil the sum of three hundred dollars per annum for....board and tuition, semi-annually in advance, and shall also pay on demand all sums charged to the account of said.....for money or necessary articles furnished to said.....; and shall also pay interest on each bill, from and after the time it shall become due, then this obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered in }
 presence of }

..... [L. S.]
 [L. S.]

* In case the parents are able to provide clothing, the above sentence should be erased.

SITUATION OF THE INSTITUTION.

The institution is located very centrally in the State, at Rome, Oneida county, New York, and is easy of access from all points on the Central railroad. It is reached from northern points of the State by the Rome, Watertown and Ogdensburgh railroad, and from the southern and southern central counties by the Delaware, Lackawana and Western railroad to Utica or Syracuse, and thence by the Central.

The buildings are located on Madison street, in a pleasant and healthy vicinity, about twenty minutes' walk from the depot.

THIRTIETH ANNUAL REPORT

OF THE

TRUSTEES

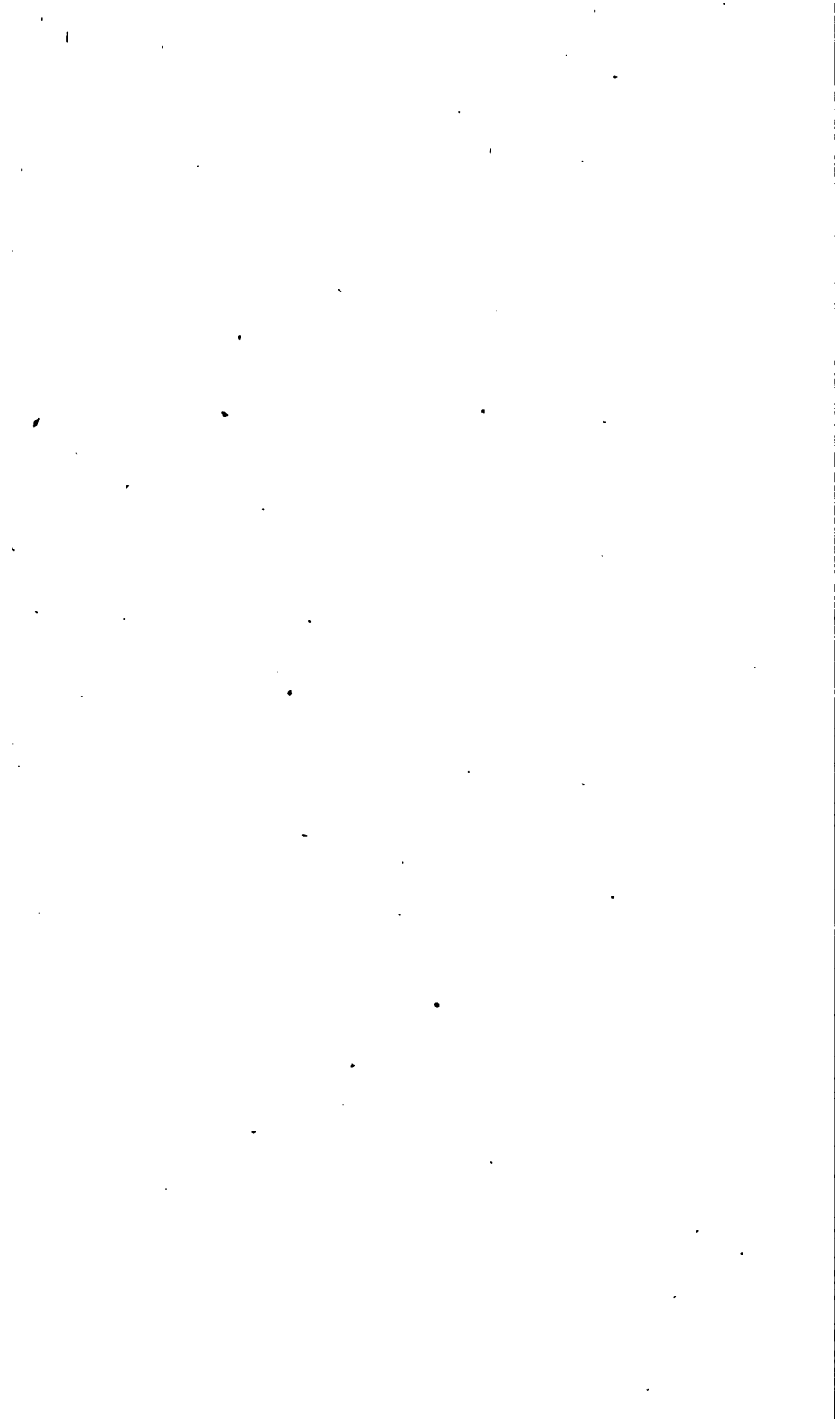
OF THE

NEW YORK ASYLUM FOR IDIOTS,

For the Year 1880.

TRANSMITTED TO THE LEGISLATURE JANUARY 14, 1881.

ALBANY:
WEED, PARSONS & COMPANY.
1881.



OFFICERS.

SUPERINTENDENT:
HERVEY B. WILBUR, M. D.

MATRON:
MISS ALVIRA WOOD.

ASSISTANT MATRON:
MRS. IRA WHITE.

HOUSEKEEPER:
MRS. M. A. YOUNG.

TEACHERS:

MISS S. P. YOUNG,	MRS. M. E. COOK,
MRS. OLIVE SAWTELLE,	MISS L. PETHERAM,
MRS. LAURA EATON,	MISS IDA KIPP,
MISS M. F. COZZENS,	MISS LILY BUSH.

STEWARD:
BENJAMIN N. EASTMAN.

IN CHARGE OF NEWARK BRANCH ASYLUM:
MR. AND MRS. C. C. WARNER.

TRUSTEES.

ALLEN MUNROE.

GEORGE F. COMSTOCK.

FREDERICK D. HUNTINGTON.

DANIEL PRATT.

NATHAN F. GRAVES.

E. W. LEAVENWORTH.

ALFRED WILKINSON.

FRANK HISCOCK.

STATE OFFICERS — EX-OFFICIO TRUSTEES:

A. B. CORNELL, *Governor.*

GEORGE G. HOSKINS, *Lieutenant-Governor.*

JOSEPH B. CARR, *Secretary of State.*

JAMES W. WADSWORTH, *Comptroller.*

NEIL GILMOUR, *Superintendent of Public Instruction.*

PERMANENT CHAIRMAN:

E. W. LEAVENWORTH.

SECRETARY AND TREASURER:

ALLEN MUNROE.

EXECUTIVE COMMITTEE:

A. WILKINSON.

NATHAN F. GRAVES.

E. W. LEAVENWORTH.

STATE OF NEW YORK.

No. 19.

IN ASSEMBLY,

JANUARY 14, 1881.

THIRTIETH ANNUAL REPORT

OF THE TRUSTEES OF THE NEW YORK ASYLUM FOR IDIOTS.

To the Legislature of the State of New York :

Agreeably to the provisions of the act establishing this institution, the undersigned Trustees respectfully submit this their Thirtieth Annual Report.

RESOURCES FOR THE YEAR.

Balance in bank Oct. 1, 1879	\$4 85
In hands of superintendent Oct. 1, 1879.....	302 11
State appropriation for fiscal year	45,000 00
Receipts for counties for clothing State pupils.....	4,149 26
Receipts from pay cases, board, instruction and clothing.....	5,977 21
From sale of farm products.....	166 37
From sale of productions of shop.....	403 12
Total.....	<u>\$56,002 92</u>

CLASSIFIED SUMMARY OF EXPENDITURES

*On current expense account of the New York Asylum for Idiots,
for year ending Sept. 30, 1880.*

Provisions, class 1st.....	\$3,597 44
class 2d.....	4,391 71
class 3d.....	284 32
class 4th.....	244 96
class 5th.....	375 93
class 6th.....	2,929 79
class 7th.....	2,461 16
Total provisions.....	<u>\$14,285 31</u>

Laundry supplies.....	\$554 22
Household supplies.....	300 12
Fuel.....	1,539 39
Lights.....	1,274 47
Water.....	1,200 00
Ice.....	169 50
Repairs and improvements.....	7,907 98
Furniture.....	2,480 21
Clothing.....	3,739 23
Stable.....	2,213 30
Farm and garden.....	238 93
Books, stationery and apparatus.....	798 19
Salaries.....	7,454 50
Wages.....	8,044 50
Freight, express and telegraph.....	213 66
Postage.....	112 00
Funeral expenses.....	54 00
Drugs and medicines.....	215 38
Traveling expenses of trustees.....	29 94
Traveling expenses of superintendent.....	73 93
Traveling expenses of boys (refunded).....	70 60
Amusements.....	42 76
Miscellaneous expenses.....	293 28
	<hr/>
	\$53,305 40

From an examination of the books of the asylum we are able to report that on the 1st of October, 1880, there were outstanding obligations and cash assets, in the following amounts :

OUTSTANDING INDEBTEDNESS, OCT. 1, 1880.

Salaries of officers and teachers for quarter ending Oct. 1, 1880.....	\$1,997 50
September bills unaudited.....	2,924 99
	<hr/>
Total liabilities.....	\$4,922 49

ASSETS, OCT. 1, 1880.

Balance in treasury.....	\$2,522 54
Balance in hands of superintendent.....	174 98
Due from counties for clothing.....	928 00
Due from individuals for board, instruction and clothing.....	1,438 00
	<hr/>
	\$5,063 52

From the above statement it is evident that the asylum was practically out of debt on the 1st Oct., 1881. There was at the same

time nearly a year's stock of coal on hand and other supplies to the value of (\$2,900) two thousand nine hundred dollars.

We have no occasion to ask for special appropriations, for any purpose, the coming year, unless it shall be deemed wise by the legislature to purchase the property at Newark, now occupied on lease.

The usual appropriations to this institution and to the custodial branch will enable the board to fill up each to their full capacity, thus reducing the *per capita* cost of the inmates to a moderate extent.

Some changes have been made in the asylum to give additional security against fire, and there has been an increase in the facilities for extinguishing fire, in the case of its occurrence. There are now no fires in the building except in the kitchen ranges, all of which are extinguished before ten o'clock at night.

With so helpless a class of inmates every possible precaution should be taken to protect them in such an emergency.

We commend to the attention of the legislature the report of the superintendent and that of the special committee, who have charge of the custodial branch of the asylum at Newark. By these it will be seen that both have been accomplishing the work they were designed to do.

ALLEN MUNROE,
E. W. LEAVENWORTH,
F. D. WHITINGTON,
N. F. GRAVES,
D. PRATT,
ALFRED WILKINSON.

J. W. WADSWORTH,
Comptroller.

NEIL GILMOUR,
Supt. Public Instruction.

REPORT OF SPECIAL COMMITTEE.

The committee of the board of trustees of the New York Asylum for Idiots, to whom was intrusted the management of the "custodial asylum for adult idiotic and feeble-minded females," herewith present their report of its affairs during the past year:

At the date of our last annual report the number of inmates was 88. Since then there have been 22 admissions, making a total of 110. There have been three removals and six deaths during the same period, leaving the present number 101.

Several others have been accepted, and it is expected that the average number the present year will be 110, or the full capacity of the building as it now stands.

On the 1st of October, 1879, there was an overdraft at the bank of \$299.80, with the September bills unpaid. On the 1st of October, 1880, there was remaining in the bank the sum of \$2,600, and with money enough in the hands of the superintendent to pay all bills for the fiscal year ending at that date. In other words, the expenses for thirteen months were about \$12,100.20.

The expenditures for year ending October 1, 1880, may be classified under the following heads. The proper vouchers have been regularly transmitted to the State Comptroller.

CLASSIFIED SUMMARY OF EXPENDITURE

for year ending September 30, 1880, Custodial Branch New York State Asylum for Idiots, Newark, N. Y. :

Salaries and wages.....	\$3, 651 58
Stable	160 41
Freight, etc.....	54 82
Fuel.....	593 43
Clothing	791 52
Garden	204 52
Furniture	810 70
Repairs and improvements.....	766 69
Stationery, printing, etc.....	45 10
Stamps	15 00
Drugs, etc.....	33 98
Funeral expenses.....	16 00
Traveling expenses, superintendent.....	91 77
Tax.....	11 81
Provisions.....	3, 897 38

Total.....	<u>\$11, 144 71</u>
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In accordance with the suggestions made in our report of last year, and which met the approval of the board, your committee made arrangements with the owners of the building to occupy it for a longer or shorter period at an annual rental of \$900. For this sum the owners agreed to make some additions to the building. Thus the laundry has been raised a story, giving two large and airy rooms for school and industrial purposes. In these two rooms, connected by folding doors, the entire family of the institution can be gathered.

During the year a second rain-water cistern has been built, and a new well has been sunk, thus adding much to the water supply.

During the year some member of the committee has visited the asylum at Newark, on an average nearly once in two weeks. And Mr. Warner, the superintendent of the institution, at intervals has reported to the committee at Syracuse. They have, therefore, kept themselves familiar with all the details of its management. These visitations have developed, on the one hand, some of the embarrassments that the new institution has had to contend with; and on the other, the general and gratifying success of its management.

At the outset, in the desire to fill up the asylum as early as possible and to distribute its advantages as widely as possible, almost every case was admitted for whom application was made; in fact, only three or four were absolutely refused. The county officials, who were notified, by our circulars of the opening of the asylum, very naturally sent to it the most troublesome cases under their charge. As a result there were thrown upon the asylum more or less who should not have been admitted.

There were two or three confirmed epileptics. There were several sent in the lucid interval of insanity, liable at any time to an outbreak of mania. Quite a number were breaking down with disease of long standing. And at least, twenty-five per cent were idiots of low grade requiring a great deal of care and attention to keep them decent.

As a consequence there were six deaths out of one hundred and ten different inmates. One was removed by friends in a feeble condition and who shortly died. Two were returned to the insane asylums from whence they came because violently insane. There are even now two so insane as to require constant watchfulness to prevent injury to themselves or others. There are several cases of dementia resulting from insanity.

Coming as most of them did from the county poor-houses of the State; without family ties; of depraved origin; with a hereditary bias to go astray and fresh from the degrading associations of such receptacles, it would have been strange if the most of them had not been unmanageable and incapable; coarse in manner and vulgar in speech. With all this, it deserves mention that of all these girls, or women, brought together with such a prior experience, quite a number of whom had been mothers of one or more children, only two or three of them were of wanton propensities.

A few of the cases may be noticed as an illustration of the class of facts that prompted the opening of this custodial asylum for adult, idiotic and feeble-minded females.

One of the inmates has had four illegitimate children, born in the county poor-house, where they now remain life-long burdens upon the tax payers of the county.

There have been admitted within the year two girls, half-sisters, from a county poor-house. One of these had had two children, the other one. The former declared, and the county superintendent of the poor confirmed the story, that the father of her second child was the keeper of the poor-house.

In another case, a weak-minded girl, out at service in the country, was seduced by some member of the family. When her situation became known, she had been taken to a quack doctor, by whom an abortion was produced. This left her in a state of invalidism and quite demented, and then she was sent to the county poor-house, from whence she was transferred to Newark.

Nor does the fact of extreme idiocy protect these unfortunates from the brutal lust of their male associates in the poor-houses and elsewhere, for among the inmates of the Newark asylum are mothers who are unable to tell where or by whom their ruin was accomplished.

These instances, which might be multiplied, will indicate some of the social evils the new asylum was designed to obviate. To show the genial method proposed in its management, we may quote a sentence or two from our report of last year :

"As might have been expected, in view of the surroundings from which they came and the lives of idleness and neglect which they had previously led, they were not a hopeful-looking set, either in appearance or conduct. The most marked feature of the class was incapacity ; a born sluggishness that had been allowed to settle into a state of complete and habitual unproductiveness.

"The organization of the working force of the new establishment was planned to meet these conditions. There is first a nursery department for the more helpless ones.

"Then each department of household occupation is a training-school for the cases who are allotted to each as assistants in the necessary work of the institution. From time to time changes are made so that the more capable ones have an opportunity of learning a variety of occupation.

"In addition, there is a school for developing the perceptive faculties and that degree of intelligence essential even for customary household duties. The pupils are not only taught some of the elementary exercises of an ordinary school-room, but instruction is given in the details of some of the more common forms of household work. They learn to sew and knit and to use a sewing-machine.

"Under this general system, already so much capacity has been brought out, in the inmates, that one may see that the number of

cases might be gradually increased to two or three times the present number without much increase in the paid working force of the establishment.

"There has also been a marked improvement in the appearance of the inmates — in their habits and conduct. They are more orderly and quiet besides being more intelligent.

"Stupid and undisciplined as they were on admission, their immediate guardians already see good cause for faith in the ultimate objects of the institution. In fact there is a growing interest on the part of the employees of the establishment in the work in which they are engaged."

"At the outset there was work enough for all engaged. Besides the ordinary household work of such a family, more or less helpless, and all undisciplined, it happened that many of them came without a change of clothing, and busy hands were needed to supply a proper outfit.

With the ordinary paid working force of the institution and the increasing helpfulness of the inmates, all this has been remedied. One who now visits the asylum will see all the inmates neatly and comfortably clad, and in fact, well supplied with clothing. The house is kept scrupulously clean almost entirely by the labor of the girls. Three or four are detailed to work in the kitchen and in the bakery. It is no uncommon sight to see a dozen girls industriously at work in the laundry. More or less assist in the care of the more helpless members of the family. In the sewing-room there are often thirty girls at work, some of whom have already acquired a good degree of skill in the use of sewing-machines.

And through all the departments of household labor, efficient service is not only rendered by the inmates, but every thing is done in an orderly manner and in an evident spirit of contentment and cheerfulness.

In the hospital room one of the women acts as nurse, who in attention and devotion to her work is equal to many professional nurses.

Even in the dining-rooms one may enter without fear of being shocked by the conduct of the inmates. Grouped at a number of small tables, according to their intelligence and habits, it is pleasant to see at some of them the more intelligent girls presiding, pouring the tea, or serving otherwise their companions.

Certainly the change from their former condition, with all its discomforts and dangers, has been a very fortunate one for them.

When the original appropriation was made by the legislature in 1878, it was an experiment by the terms of the appropriation. It was to determine whether the need existed for such an asylum; whether there were in the county poor-houses, in the families of the poor, or elsewhere, "adult idiotic and feeble-minded females," who needed protection and care to prevent them from multiplying their kind, and so increasing the number of the dependent classes in the State. It was to determine, further, whether the need, if existing,

could be met without undue cost. The first point has certainly been settled beyond question. The need exists. Furthermore, the experience of the new asylum shows that there is within the class a latent capacity for industrial occupations, which, when developed and under proper management, will materially diminish the cost of their maintenance.

As to the second point, it may, be added, that it seems to your committee that the question can be fairly answered in the affirmative. By a reference to the former portion of our report, it will be seen that with all the disadvantages of a new undertaking, the actual cost of maintenance, care and superintendence and clothing has been but about \$120 a year for each inmate. If the number of inmates were increased to one hundred and fifty, which would involve but a trifling increase in the paid working force of the establishment, the estimate of *per capita* annual cost could safely be reduced to \$110—which is less than the average annual cost of the inmates of the county poor-houses of the State, as given in the last report of the Board of State Charities.

A little more than a year since, the Newark asylum was visited by Dr. Ireland, who is at the head of an institution for idiots in Scotland. On his return, he published an article in the British Journal of Mental Science, giving his impressions of his visit to Newark. After speaking in commendatory terms of the building and site, the good health, neat appearance and general contentment of the inmates, as well as the moderate cost of maintenance, he closes with the following language:

“There is no doubt that here we have a difficult question solved in a simple manner. Such an asylum as that at Newark must be a very useful and beneficent institution, and one which can only be supported at the expense of the State. The money, however, is only money spent in a good way which would, in other circumstances, be spent in a bad way, for most of these females must have been supported in one way or another by the community, whether in asylums, poor-houses, jails, or hospitals. Viewed in a money point of view alone, the cost of neglecting them is likely to be greater than the cost of taking proper care of them.”

E. W. LEAVENWORTH,
N. F. GRAVES,
ALFRED WILKINSON,

Committee.

SUPERINTENDENT'S REPORT.

To the Trustees of the New York Asylum for Idiots :

GENTLEMEN—I herewith submit a report of the affairs of the institution, of which I have the immediate charge, for the year ending September 30, 1880.

The entire number of pupils connected with the asylum during that period was 336. More than 200 of this number were present during the whole year, including what is called a vacation period in July and August. In fact, at no time were there less than 220 pupils present.

The largest number present at one time was 298. The average daily number was 289.

The total expenditures for the year were \$53,305.40; deducting the following items:

Clothing bills.....	\$3, 739 23
Permanent improvements or extraordinary repairs, and new furniture for increased number of pupils.....	3, 500 00
	<hr/>
	\$7, 239 23
	<hr/>

Total cost of instruction and maintenance of pupils, \$46,066.17. Dividing this sum by 289, the average number of pupils, we have as the actual *per capita* cost, \$160.

During the year there were four deaths. One a feeble boy from pneumonia of both lungs. Another, a case of epilepsy, complicated with rheumatism and valvular disease of the heart. A third from a peculiar organic disease of the throat, which induced frequent inflammatory action of the parts, in one of which she died after a brief sickness. The fourth was a feeble child, an idiot of low grade and also a deaf-mute, who finally succumbed to successive attacks of paralysis.

In our last annual report attention was called to the very small death-rate of the pupils of the asylum during the twenty-eight years of its history.

The total number of deaths now for twenty-nine years is but 77.

Great exemption from sickness has been the rule, and at the date of writing this report there are 307 inmates and not one in bed on account of sickness.

The daily life of the institution during the past year has presented no new features. The schools have been kept up under the care of experienced and faithful teachers. There has been little occasion for discipline of the pupils. All our training and instruction points toward industrial occupation and industrial capacity and the formation of habits of industry.

In the female department, almost nothing more can be expected than has been accomplished. There are so many household and domestic employments into which the industrial energies of the females can be directed, and as all our female employees are capable to a greater or less extent of teaching such acquirements, the results have been most satisfactory. The female pupils now render much efficient service in the various household economies.

With the boys, the case is a little more perplexing. In the summer season, with the farm, garden and stable and a variety of outdoor work, the boys can be kept busy. But in the winter months, with the limited amount of shop work of which they are capable and which we can furnish, there is more or less of waste time. We have to study, to accomplish some of our desired results in an indirect way, to expend the least intelligent part of our labor. We have a brush-shop and a mat-shop, and the beginnings of a tailor's shop. As these are running but about a third of a year, and as the main end is to give some manual dexterity to the pupils, besides keeping up their habits of industry, our expectation is but little more than to have them meet expenses.

Of another class of our inmates, constituting nearly 20 per cent of the number, something should be said.

Though this institution was founded as a school for teaching idiots, yet this original purpose has been somewhat departed from, and for causes quite beyond the reach of the officers.

A circular of questions is sent to the friends of children whose admission is desired; also extracts from the by-laws of the institution, showing its scope and purpose. The answers to these should give a tolerable portrait of the intended pupil. From design or ignorance, on the part of those who supply the answers, the circular sometimes fails of its purpose and a quite unsuitable case is granted admission. And so it happens that cases are sent to us by the county authorities and others who manifestly should not be sent at all. Sometimes, as has been intimated, it is through a misapprehension of the scope of the institution; sometimes because it is wished to be rid of very troublesome subjects. At all events, they are placed under our care, and often from quite remote parts of the State. A fair trial is given them. Meanwhile they improve so much in their habits, are so much less troublesome under our system of management than in the families or institutions from which they come, that they are allowed to remain far beyond any proper probationary period. Quite a number are deaf-mutes as well as idiotic. More or less are in such feeble health as to be mere hospital cases. Some are crippled. Occasionally an epileptic is smuggled in, contrary to the positive restriction of our by-laws.

Within two years two pupils were brought to the asylum by the same person, both sent by the poor-law officials of a remote county. One was an idiot of low grade, deaf and dumb, epileptic and paralyzed. The other was an idiot of low grade, deaf-mute and blind. This last, beside, had been submitted to such treatment, perhaps unkind and perhaps only a treatment that seemed unkind to him because he could not understand the reason of it, that he was in constant fear and recovered only after a continued course of gentle management.

Still it may be said of even such as these, What can be done with them in families struggling with poverty, or even in better homes or county asylums? The productive energies and the comfort of almost any family must be affected by the presence of such as these; other children must inevitably be injured by association with them, and all because of the unavoidable and general ignorance of their natural guardians of how properly to manage them.

And, with the knowledge on the part of the officers of the asylum of the amount of care and trouble such children make elsewhere, it is not easy, always, to enforce rigidly the restrictions contemplated in the by-laws as to admissions, or as to dismissals of improper cases once admitted.

In one indigent family in the State there are four idiot children, three of whom are now inmates of the asylum. Of these, two are making fair progress, while the other is only improved in his habits and so a little less troublesome. In another family, where the father, a man of some education, died poor, after a lingering paralytic disease, there were left two Albino children, one an epileptic, and a fourth an idiot of low grade and also insane. This last, for years, was a pupil in this institution and has now been transferred to our Custodial Branch, at Newark. To have returned her to her mother, struggling to support the other helpless members of her family, by teaching school, would possibly have consigned the whole family to the county poor-house.

Numerous instances, not unlike these, might be selected from our list of pupils, to show how difficult it sometimes is to restrict the benefits of this institution to strictly teachable cases.

So, it will doubtless always happen that some twenty per cent of the cases to be found on our list are mere custodial cases. The only redeeming circumstance in this fact, so far as the asylum is concerned, is that these poor, unfortunate and helpless beings are in part cared for by the better and trained class of inmates.

While, then, it may fairly be said, it seems to me, that the institution has continued, during the past year, to fulfill the expectations of its founders, yet it does not meet all the needs of the State, in the matter of ameliorating the condition of the idiots within its borders.

From our early reports, it will be seen that from the very outset it was felt that one institution, and that of an educational character, would not suffice to meet such needs. There were, of course, many

cases in the State too old for such an institution; past the school-attending age, past the impressible period of life and hampered by habits of longstanding. There were many who were unteachable otherwise. For these, it was believed that the State would ultimately provide custodial asylums, where, for a moderate cost, their peculiar wants could be supplied in a manner satisfactory to the humane spirit of the age.

Public attention has been called to this matter from time to time in our annual reports. Three years ago the legislature made a partial provision to meet this need. An experimental asylum was established, for the care and protection of a hundred idiotic and feeble-minded females, under the management of the trustees of the New York Asylum for Idiots. The following extract, from a circular issued by a committee of your board soon after, will not be out of place here:

"This legislation was prompted by the action of the Board of State Charities.

"Their motive was a two-fold one: In the first place, the trustees of this asylum had for years been advocating the foundation of a second institution for idiots, one of a custodial character to admit unteachable idiots, as also such of the class as had passed the school-attending age. Both of these classes were out of place in the present asylum, which was designed, strictly, as an educational or training institution.

"The immediate motive for the establishment of this Custodial Branch was a fact brought to light by the visit of the members of the Board of State Charities to the county poor-houses. That fact was, that imbecile and idiotic females were frequently found in these institutions, who had been seduced, and then given birth to illegitimate children; in which case both parent and child became a permanent burden upon the counties.

"Not unfrequently, the evil had its origin in a carelessness in the administration of the county poor-houses, in the matter of a proper and rigid separation of the sexes.

"To prevent such occurrences in the future, it seemed desirable to establish a home for the class. With judicious and prudent management, it was thought that such cases could not only be supported without materially increasing the cost to the tax payers, as a majority could be taught simple household occupations but also protected from the dangers to which their want of intelligence exposes them."

A reasonable degree of success has attended the experiment, as will be seen by a report of your committee to be presented at your annual meeting.

It remains to supplement this by a similar provision for males. In my judgment, a custodial asylum for male idiots could be conducted at even less cost than in the case of females of the same

grade of intelligence. There are now in this institution at least fifty boys, who have reached an age when they should be dismissed to make room for younger pupils who have equal claim for education at our hands. Some of them are quite capable of farm and garden work and all have reaped all the benefit they are likely to receive from the training here. If dismissed now most of them must be returned or sent to the county poor-houses, where they are not wanted and where they may not receive intelligent care. If for these a good farm could be obtained with cheap structures for their accommodation, they would contribute, by their labor, a part, at least, of the cost of their maintenance.

I commend this project to the good-will of the board of trustees, hoping that it may meet their approbation and that they may use their influence with the legislature to the end that an experiment may be tried, at least.

To any one familiar with the daily life of this institution, I think that there can be no doubt that there is a prevailing purpose among all employed to fulfill their duties in a manner satisfactory to the superintendent and which I take this public opportunity to recognize.

Respectfully submitted,

A. B. WILBUR,

Superintendent.

SYRACUSE, October 13, 1880.

[Assem. Doc. No. 19.]

TREASURER'S REPORT.

Allen Monroe, Treasurer of the New York Asylum for Idiots, in account current with the State of New York, for cash received and expended for the general supplies, and the salaries and wages of officers, teachers, attendants and servants of said asylum, during the year ending September 30, 1880 :

RESOURCES FOR THE YEAR.

Balance in bank, Oct. 1, 1879	\$4 85
In hands of superintendent, Oct. 1, 1879	202 11
State appropriation for fiscal year	45,000 00
Receipts for counties for clothing State pupils	4,149 26
Receipts from pay cases, board, instruction and clothing	5,977 21
From sale of farm products	166 37
From sale of productions of shop	403 12
Total	\$56,002 92

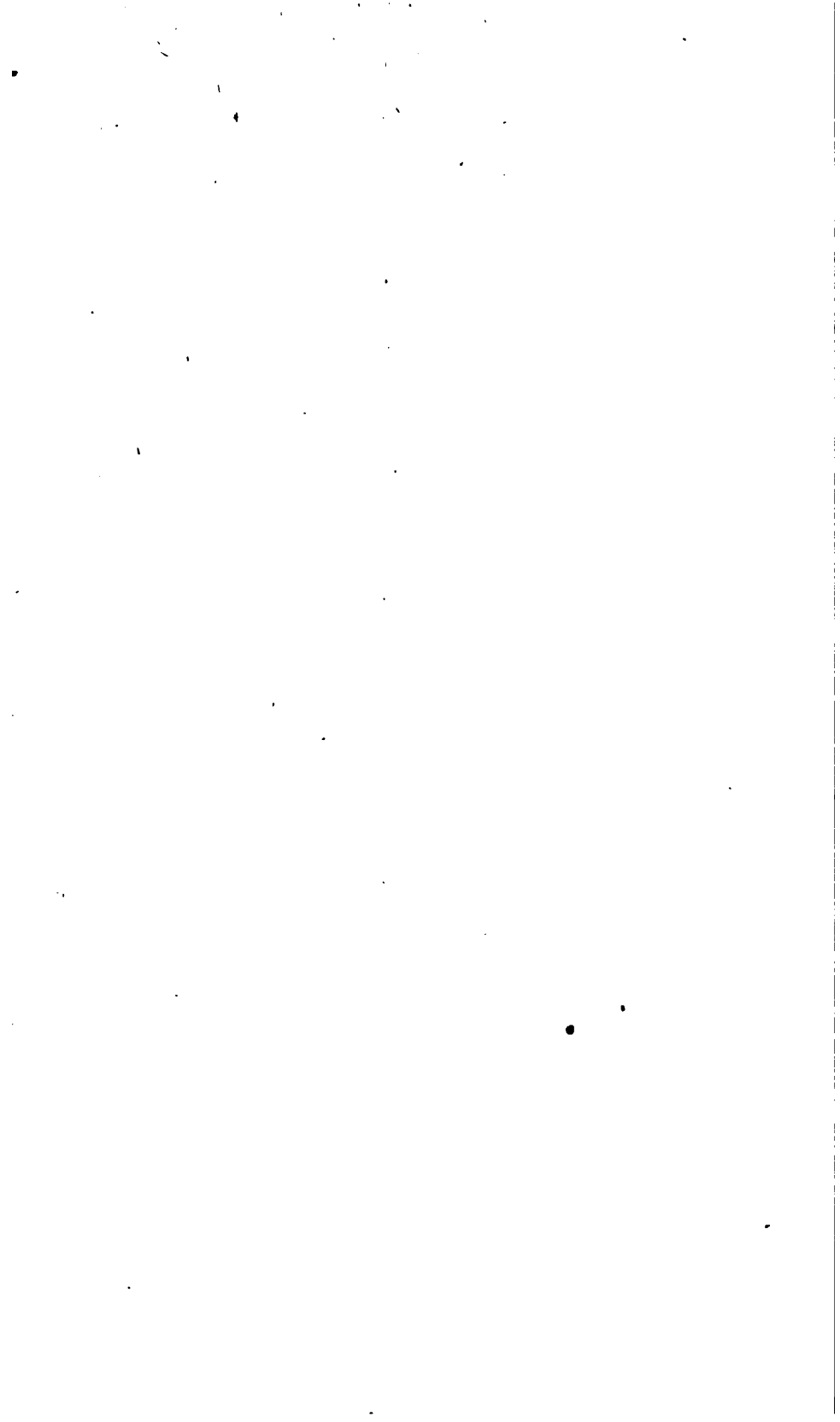
DISBURSEMENTS.

Warrants of ex-commissioner for quarter ending Dec. 31, 1879	\$11,257 23
Bills paid by steward for quarter ending Dec. 31, 1879	1,682 32
Warrants of executive committee for quarter ending March 31, 1880	13,633 80
Bills paid by steward for quarter ending March 31, 1880	1,179 01
Warrants of executive committee for quarter ending June 30	11,464 31
Bills paid by steward for quarter ending June 30	1,558 50
Warrants of executive committee for quarter ending Sept. 30	\$10,276 23
Bills paid by steward for quarter ending Sept. 30	2,254 00
Balance in bank, Oct. 1	2,522 54
In hands of the superintendent, Oct. 1	174 98
Total	\$56,002 92

NEW YORK ASYLUM FOR IDIOTS, }
SYRACUSE, N. Y., *October 13, 1880.* }

We certify that we have examined the above statement, with tables annexed; have compared it with the treasurer's books, and with the various books kept at the asylum, and the bank book, as also the vouchers for the moneys expended; and find the same correct.

A. W. LEAVENWORTH,
N. F. GRAVES,
ALFRED WILKINSON,
Executive Committee.



SIXTY-SECOND ANNUAL REPORT.

AND

DOCUMENTS

OF THE

New York Institution

FOR THE

Instruction of the Deaf and Dumb,

TO THE

LEGISLATURE OF THE STATE OF NEW YORK,

For the Year 1880.

TRANSMITTED TO THE LEGISLATURE, JANUARY 14, 1881.

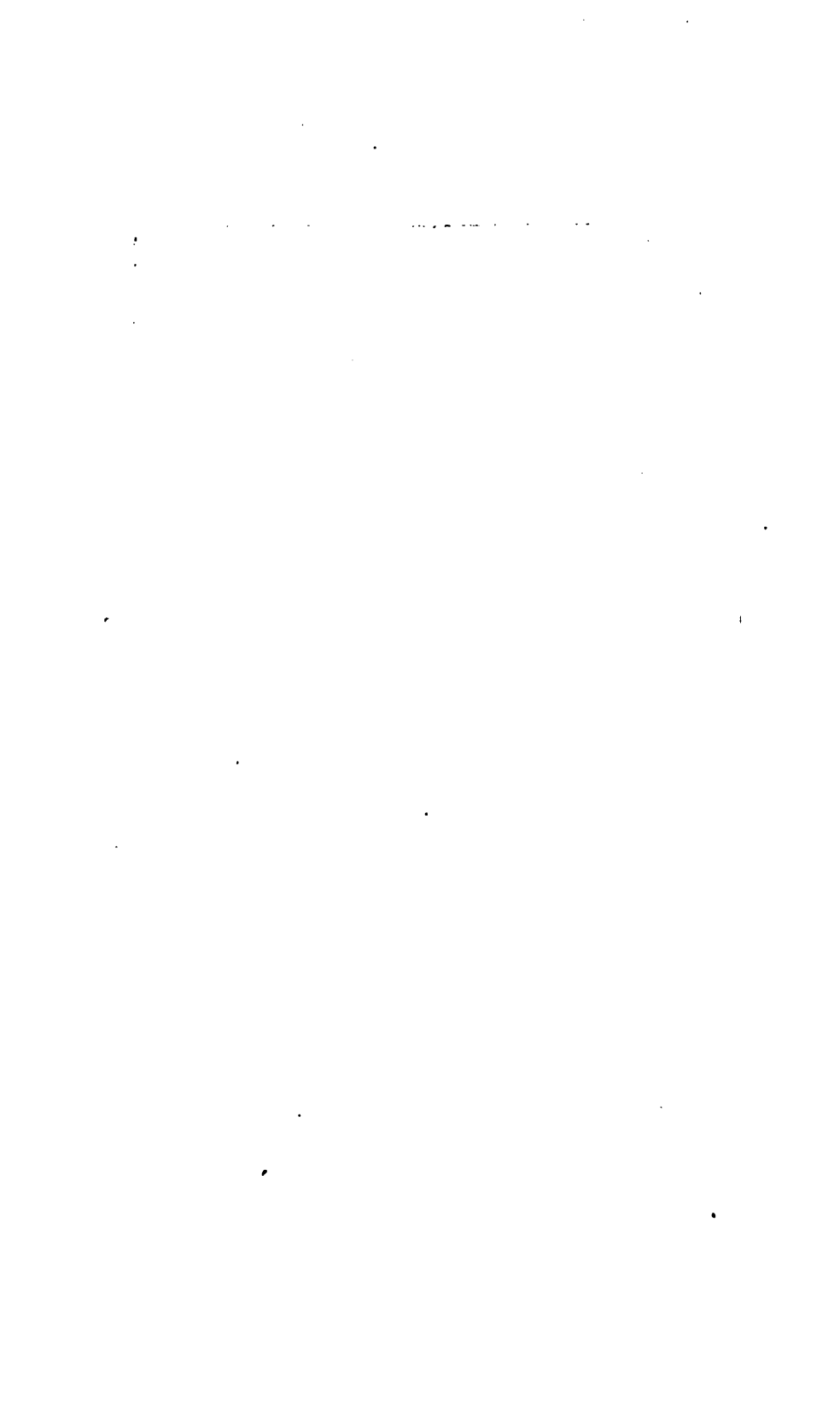


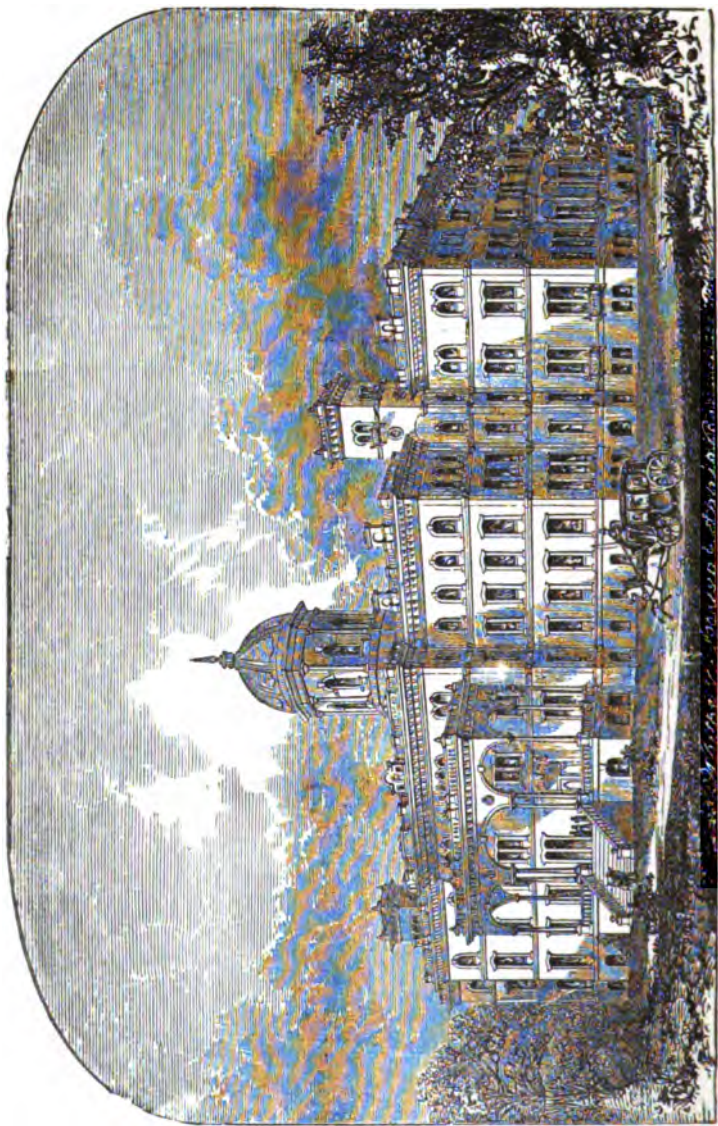
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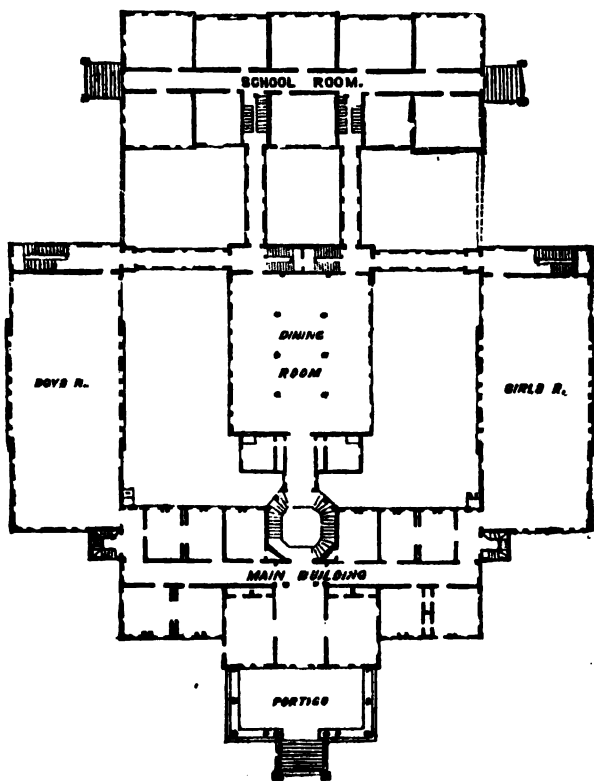
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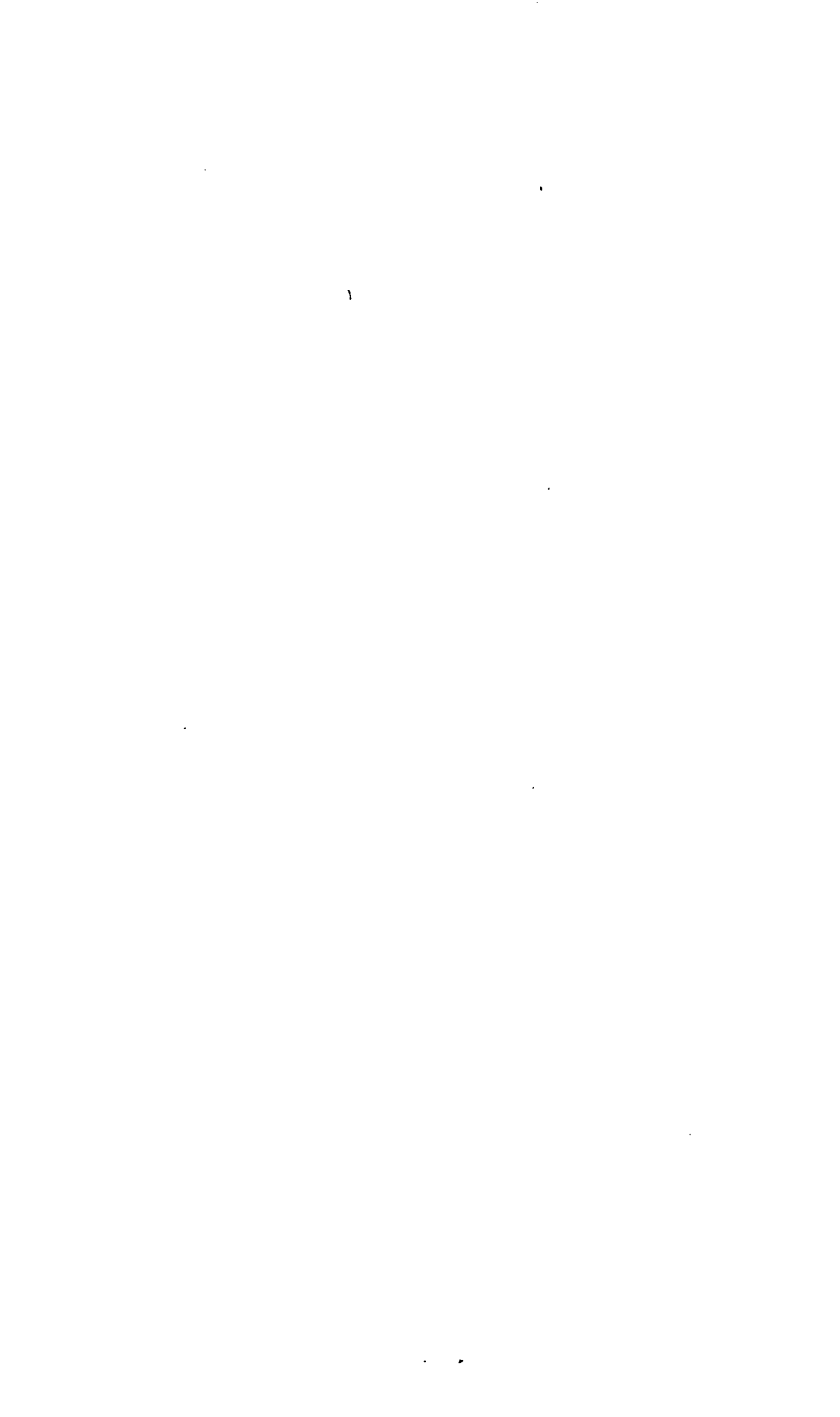


INSTITUTION FOR THE DEAF AND DUMB.



PENITENTIAL FLOOR.
SCALE.





ALPHABET OF THE DEAF AND DUMB.

A a



B b



C c



D d



E e



F f



G g



H h



I i



J j



K k



L l



M m



N n



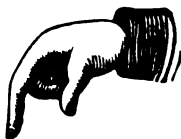
O o



P p



Q q



R r



S s



T t



U u



V v



W w



X x



Y y



Z z



&



STATE OF NEW YORK.

No. 20.

IN ASSEMBLY,

January 14, 1881.

SIXTY-SECOND ANNUAL REPORT

OF THE

NEW YORK INSTITUTION FOR THE INSTRUCTION OF
THE DEAF AND DUMB.

STATE OF NEW YORK :

DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE,
ALBANY, January 14, 1881. }

HON. GEORGE H. SHARPE,

Speaker of the Assembly :

SIR—I have the honor to transmit, herewith, the Sixty-second Annual Report of the New York Institution for the Instruction of the Deaf and Dumb.

Very respectfully,

Your obedient servant,

NEIL GILMOUR,

Superintendent of Public Instruction.



OFFICERS AND DIRECTORS.

PRESIDENT,

FIRST VICE-PRESIDENT,

HON. HENRY E. DAVIES, LL.D.

SECOND VICE-PRESIDENT,

HON. ERASTUS BROOKS.

TREASURER,

JOSEPH W. PATTERSON.

SECRETARY,

THATCHER M. ADAMS.

First Class—Term expires May, 1881.

MORRIS K. JESUP.

SAMUEL THORNE.

HON. HENRY E. DAVIES.

JAMES O. SHELDON.

THATCHER M. ADAMS.

GEORGE A. ROBBINS.

GEORGE F. BETTS.

WILLIAM M. HALSTED.

Second Class—Term expires May, 1882.

(*Vacant.*)

WILLIAM H. FOGG.

REV. THOMAS GALLAUDET, D.D.

BENJAMIN H. FIELD.

WILLIAM FROTHINGHAM, M.D.

JOHN L. TONNELE.

REV. SULLIVAN H. WESTON, D.D.

JOHN T. TERRY.

Third Class—Term expires May, 1883.

HON. ERASTUS BROOKS.

AVERY T. BROWN.

FREDERIC DE PEYSTER, LL.D.

ALBERT M. PATTERSON.

HON. ENOCH L. FANCHER, LL.D.

REV. CHAS. A. STODDARD, D.D.

JOSEPH W. PATTERSON.

EVERETT HERRICK, M.D.

*Officers and Directors.**Executive Committee.*REV. CHAS. A. STODDARD, D.D., *Chairman.*

WILLIAM FROTHINGHAM, M.D.

AVERY T. BROWN.

GEORGE A. ROBBINS.

JOHN L. TONNELE.

*Ladies' Committee.*MRS. BENJAMIN H. FIELD..... *Chairman.*MRS. HELENA T. BROWN..... *Secretary.*MRS. FREDERICK G. SWAN..... *Treasurer.*

MISS JULIA COOPER.

MRS. JOSEPH W. PATTERSON.

MRS. ETHAN ALLEN.

MISS JULIA RHINELANDER.

MRS. ELLEN WALTER.

MRS. WILLIAM FROTHINGHAM.

MRS. EDWARD OOTHOUT.

MRS. ANNA E. BARNARD.

MISS HARRIET TABER.

MRS. JOHN T. TERRY.

MRS. CHARLES A. STODDARD.

MRS. WILLIAM A. HAINES.

EDUCATIONAL DEPARTMENT.

PRINCIPAL.

ISAAC LEWIS PEET, LL.D.

PROFESSORS AND TEACHERS,

WESTON JENKINS, M.A.*

E. HENRY CURRIER.

FRANCIS D. CLARKE, M.A., C.E.

G. C. W. GAMAGE.

HENRY DENNIE REAVES.

ROWLAND B. LLOYD.

THOMAS H. JEWELL.

WILLIAM G. JONES, B.A.

CHAS. W. VAN TASSELL.

CHESTER Q. MANN.

JANE T. MEIGS.

IDA MONTGOMERY.

JOSEPHINE L. ENSIGN.

LUANN C. RICE.

MARIA TOLES.

MYRA L. BARRAGER.

TEACHER OF DRAWING,

CAROLINE V. HAGADORN.

TEACHER OF ARTICULATION,

MRS. CELIA L. CLARKE.

*Instructor of the High Class.

ADMINISTRATIVE DEPARTMENT.

SUPERINTENDENT AND PHYSICIAN.

WILLIAM PORTER, M.D.

CONSULTING PHYSICIANS,

WILLIAM FROTHINGHAM, M.D. EVERETT HERRICK, M.D.

STEWARD,

CHAUNCEY N. BRAINERD.

ASSISTANT STEWARD,

W. S. CRITTENDEN.

CLERK,

CHARLES M. SMITH.

MALE SUPERVISORS,

WALLACE F. HOWELL.

ALBERT F. HOLBROOK.

STEPHEN F. SLOAT.

MATRONS,

MISS PRUDENCE LEWIS—Supervisors' Department.

MISS CORDELIA CHIDSEY—Linen Department.

MISS A. ELIZABETH RHOADES—Seamstress' Department.

MRS. FRANCES D. RICE—Primary Department (Tarrytown).

MRS. JULIET T. DILLINGHAM—Primary Department (Fanwood).

MISS JANE D. LAVERY—Culinary Department.

MISS SARAH J. BUTLER—Hospital Department.

FEMALE SUPERVISORS,

ELIZABETH S. BEECHER.

RACHEL A. COOK.

ADDIE L. FRALEIGH.

CLARA I. WOODRUFF.

LOUISA JOYCE.

ENGINEER,

JOSEPH H. BANKS.

NIGHT WATCH,

FREDERICK A. GERLOFF.

NEWTON N. HAZEN.

MARY C. FRASER.

FOREMEN OF INDUSTRIES.

E. A. HODGSON..... *Printer.*

JOHN B. CLEARWATER..... *Cabinetmaker.*

JOHN LECHTHALER..... *Shoemaker.*

HENRY ROTH..... *Tailor.*

ALBERT METZGER..... *Gardener.*

JOHN T. ZIEGLER..... *Farmer.*

THOMAS BEATTY..... *Baker.*

SIXTY-SECOND ANNUAL REPORT.

The Directors of the New York Institution for the Instruction of the Deaf and Dumb, respectfully present to the Legislature the Sixty-second Annual Report of the management of the Institution, its methods of instruction, the names of the officers, teachers and pupils, and a complete statement of its financial and general condition for the year beginning October 1st, 1879, and ending September 30th, 1880.

In the report of the Treasurer, presented herewith, full details are given of all the receipts and expenditures for the year. From this Report it will be seen that the Institution has been managed with the strictest economy, and that the Directors have kept within their income, notwithstanding the heavy outlay for work at Tarrytown. The boring of a well there has developed a vast and exhaustless supply of water, which, under careful analysis, proves to be of uncommon excellence and purity.

From the report of the Superintendent and Physician it appears that 553 pupils have been under instruction during the year, of whom 345 were males and 208 were females. Of the 553 maintained in the Institution, 291 were supported by the State of New York ; 171 by the Counties of New York ; 81 by the State of New Jersey, and 10 by parents, guardians or friends. Special attention is called to the details embodied in the report of the Superintendent and Physician, of the work done in all the shops and in the garden, of the repairs and improvements both at Washington Heights and at Tarrytown, and the results of the constant effort to increase the efficiency and economical working of the Institution in all respects.

The Directors are very glad to report that the health of all the scholars and other inmates of the Institution has been remarkably good, and that *not one single death* has occurred during the year. They confidently believe that under Divine Providence this condition is due to increased perfection in sanitary precautions, attention to diet and vigilance of supervision. Their object for many years has been to give a generous, wholesome diet to the unfortunate children com-

mitted to their care, and thus keep their bodies in a strong, healthy state, that their minds may also be stronger and more capable of receiving instruction.

The report of the Principal for this year is of much greater interest than usual. In addition to the usual explanation of his methods of training and culture and his remarks on the peculiarities of deaf-mutes, he gives an account of the Fourth Conference of Principals of American Institutions for the Deaf and Dumb, held at Northampton, on the 25th of May last, and a long and interesting report of his trip to Milan, in Italy, to attend The Second International Congress for the Amelioration of the Condition of Deaf-Mutes, which was held there in September last. This report will amply repay a careful perusal, giving, as it does, a complete description of the action of the Congress and the Principal's discussion thereon.

Attention is also called to the reports of Rev. Charles A. Stoddard, D.D., and of the Rev. Thomas Gallaudet, D.D., both of whom also attended the Congress as delegates, which reports will be found interesting and comprehensive.

The Report of the Committee on the Annual Examination shows, with great precision and detail, the course of instruction pursued in the Institution. This report will be found of more than usual interest, because it contains separate and detailed reports by nearly all the gentlemen who were invited to take part in the examination. The special report of the Examination of the High Class, by the Rev. George Payson, and an account of the Closing Exercises in the latter part of June, are included in this Report.

Several changes will be noticed in the Board of Directors. Some of the members of last year have been unable longer to attend to their duties, and new members have been appointed to fill their places. And two have been stricken down by death—the Rev. William Adams, our late President, and Mr. Samuel V. Hoffman. Appended to this Report will be found a complete account of the services held in memory of Dr. Adams at the Institution, on the 18th of November, 1880.

In the staff of officers and employees there have been a few changes, but in general the force remains very much the same as it was last year.

Every endeavor has been made, consistent with our financial condition, to increase the capabilities of the Institution in all respects, and to fit the pupils to take their place in the world as intelligent, self-supporting, good citizens.

It is to be hoped that the reduction of the allowance for State pupils, which has been made for several years in succession while the prices of

supplies in general were going down, will now, that a reaction in prices has set in, be stopped, and that the allowance be increased. It has been found very difficult to keep within the last reduced allowance, though every attempt has been made to prevent all possible waste and to manage the finances of the Institution with intelligent economy.

The Board will gladly welcome in the future, as in the past, all visits by State and county officers of this and other States, as well as all private individuals who feel a sympathy with and an interest in our work.

The Directors desire, at this time, to express a grateful remembrance of the provision made by the State for the support of these afflicted fellow beings who are committed to their care. And it will be their desire in the future, as well as in the past, to merit the approbation which they have received for their efforts, and to faithfully and intelligently administer the trust reposed in them.

HENRY E. DAVIES,

First Vice-President.

THATCHER M. ADAMS,

Secretary.

TREASURER'S ACCOUNT

FOR

THE YEAR ENDING SEPTEMBER 30, 1890.

EXPENDITURES.

Groceries and Provisions.

Apples, 76 barrels.....	\$229 00
Barley	6 63
Baking powder, soda and cream tartar.....	77 89
Beans, 10 barrels.....	79 99
Berries, 604 quarts.....	107 18
Board of workmen at Tarrytown	70 00
Buckwheat flour.....	1 44
Butcher's meat, 148,777 pounds.....	12,293 47
Butter, 16,944 pounds.....	4,583 47
Canned goods.....	223 25
Cartage and freight.....	310 50
Cheese, 698 pounds.....	94 04
Chickens, 442 pounds.....	69 17
Chicory, 500 pounds.....	38 00
Cider vinegar, 9 barrels.....	76 62
Citron.....	2 00
Cocoa and chocolate.....	12 36
Coffee, 3,079 lbs.....	692 96
Codfish (boneless), 2,842 lbs.....	212 31
Corn Starch and Tapioca.....	9 43
Cranberries, 3 bbls.....	19 46
Crackers, 1,628 lbs.....	139 58
Crushed Wheat.....	6 36
Dried Fruits, 2,683 lbs.....	277 87
Eggs, 1,667 doz.....	314 00
Flavoring Extracts.....	25 97
Carried forward.....	\$19,972 95

Brought forward.....	\$19,972 95
Flour, 615 bbls.....	4,869 50
Flour (Graham), 2 bbls.....	12 20
Fresh fish.....	714 20
Gelatine and ginger.....	14 08
Grapes, 439 lbs.....	27 04
Head cheese, 1,620 lbs.....	162 00
Hops, malt and yeast.....	70 14
Hominy, 25½ bbls.....	107 40
Horse radish.....	14 75
Ice, 116,945 lbs.....	549 72
Indian meal, 27 bags	56 82
Lard, 2,066 lbs.....	183 72
Lemons and oranges, 12½ boxes.....	57 11
Maccaroni.....	2 88
Mackerel, 11 bbls.....	112 50
Melons.....	11 07
Milk, 124,498 quarts.....	6,765 63
Molasses and syrup, 1,784 gallons.....	888 90
Mustard	55 24
Nuts and candies	17 72
Oatmeal, 22½ barrels.....	169 25
Peaches, 35 baskets	65 05
Pepper, 53 pounds.....	12 23
Pickles	59 33
Pine-apples	4 75
Pork (salt), 5 barrels	73 37
Potatoes, 475 barrels	816 15
Potatoes (sweet), 18½ barrels.....	47 90
Raisins, 15 boxes.....	41 95
Rice, 4,768 pounds	407 71
Salt, 21 sacks.....	37 20
Sardines, 225 boxes.....	35 26
Smoked meats, 7,937 lbs.....	731 69
Smoked fish, 69 lbs.....	10 93
Spices	44 71
Sugar, 20,919 lbs.....	1,911 15
Salad oil.....	16 50
Tea, 1,305 pounds.....	471 11
Turkey, 1,009 pounds	159 85
Vegetables.....	102 62
Carried forward.....	<hr/> \$39,884 28

Brought forward..... \$39,884 28

Salaries and Wages.

Principal, professors and teachers..... \$25,133 21

Superintendent, steward and assistants..... \$6,995 00

Matrons..... 1,552 00

Supervisors..... 1,862 24

Housekeeper, baker and cooks... 2,284 00

Steamstresses, waiters, chamber-maids and laborers.. 7,760 65

20,453 89

45,587 10

Clothing.

Bathing sponges..... 31 43

Braid, binding and trimming..... 9 58

Buttons..... 36 35

Cambric, 481 yards..... 38 61

Cartage..... 35 90

Cash advanced pupils..... 456 31

Cassimeres and satinets, 2,491 yards..... 2,126 22

Coats, 14..... 81 50

Cord, elastic and webbing..... 13 32

Collars (paper), 12,500..... 111 10

Collars (linen), 28 dozen..... 23 90

Combs, 42 dozen..... 37 44

Corsets, 8½ dozen..... 54 58

Corset laces and steels..... 2 10

Denims, 100 yards..... 15 50

Diaper, 10 pieces..... 12 30

Drawers, 30 dozen..... 140 50

Dress goods, 684 yards..... 130 15

Dress lining, 230 yards..... 15 36

Flannel, 228 yards..... 71 06

Gingham, 730 yards..... 75 74

Gloves, 2 dozen..... 4 75

Hair cutting..... 66 52

Hair and nail brushes..... 8 50

Hats and caps, 56½ dozen..... 387 15

Handkerchiefs, 76½ dozen..... 56 20

Hoods, 6½ dozen..... 30 67

Carried forward..... \$4,072 74 \$85,471 38

Brought forward.....	\$4,072 74	\$85,471 38
Hose and half hose, 121½ dozen.....	288 31	
Jean, 215 yards.....	19 32	
Knitting cotton and yarn.....	14 90	
Larkspur seed.....	6 13	
Linen thread.....	1 53	
Mittens, 13½ dozen.....	33 50	
Neckties, 29 dozen.....	31 90	
Overalls and jumpers, 1½ dozen.....	13 50	
Patterns.....	3 25	
Pins and needles.....	41 97	
Plaid, 469 yards.....	79 77	
Print, 2,270 yards.....	164 41	
Ribbon.....	2 84	
Scarfs, 9½ dozen.....	23 38	
Scissors and grinding.....	23 25	
Sewing machines, 2.....	60 00	
Sewing machine repairs.....	28 12	
Sewing silk and twist.....	10 25	
Shawls, 7.....	21 50	
Shirting, 2,594 yards.....	229 35	
Shirts, 6½ dozen.....	53 25	
Shoe blacking and brushes.....	40 95	
Skirts, 3 dozen.....	21 88	
Spool cotton, 125 dozen.....	69 35	
Suiting, 100 yards.....	18 28	
Suits clothing, 75.....	889 25	
Suspenders, 7 dozen.....	14 85	
Thimbles.....	1 50	
Trunks and bags.....	55 51	
Tooth brushes, 11 dozen.....	12 00	
Under shirts and under vests, 37½ dozen....	193 00	
Vests, 10½ dozen.....	164 40	
Waists.....	4 71	
	<hr/>	
	\$6,708 85	
Leather and findings, shoe shop account.....	\$2,917 71	
Wages of shoemaker.....	900 00	
	<hr/>	
	3,817 71	
	<hr/>	
Carried forward.....	\$10,526 56	\$85,471 38

Carried forward.....	\$10,526 56	\$85,471 38
Linings and trimmings, tailor shop account.....	\$1,642 85	
Wages of tailor and tailoresses.....	952 92	
	<hr/>	
	2,595 77	
	<hr/>	\$13,122 33

Furniture.

Apple parers, 2.....	1 76	
Baskets and repairs.....	111 20	
Bath brick.....	4 11	
Blankets, 60 pairs.....	176 25	
Britannia pitchers, 2 dozen.....	49 50	
Brooms, 33 dozen.....	112 25	
Brushes, 35½ dozen.....	125 75	
Camphor for preserving blankets.....	10 35	
Carpeting, lining and tacks.....	168 23	
Cartage and freight.....	58 85	
Chairs and stools, 7½ dozen.....	49 26	
Cheese safe.....	2 00	
Clocks and repairing.....	17 75	
Clothes lines and pins.....	2 40	
Crash, 1,050 yards.....	121 89	
Cretone, 52 yards.....	11 81	
Crockery.....	196 88	
Damask, 319 yards.....	164 13	
Desk repairs.....	37 00	
Enameled cloth.....	3 11	
Feathers and feather dusters.....	2 13	
Galvanized iron steamers.....	18 07	
Gas shades and fixtures.....	30 15	
Knives and forks.....	13 16	
Lanterns and looking glasses.....	9 25	
Mangle.....	125 00	
Mats, 3½ dozen.....	55 42	
Matting, 59 yards.....	57 53	
Mattresses made and re-made, 431.....	273 72	
Moss and handles, 9½ dozen.....	32 25	
Mouse and rat traps.....	2 91	
Moss and hair for mattresses, 1,157 pounds..	180 76	
Napkins and Doyles, 9 dozen.....	20 25	
Oil cloth and linoleum.....	140 88	
	<hr/>	
Carried forward.....	\$2,386 16	\$98,593 71

Brought forward.....	\$2,386 16	\$98,593 71
Oven peels.....	5 80	
Pails, 7 dozen.....	26 50	
Picture moulding, nails, etc.....	29 72	
Pillows re-made, 139.....	13 90	
Quilts and counterpanes, 51.....	£5 40	
Refrigerator, 1.....	22 50	
Repairing furniture.....	56 36	
Repairing tin and copper ware.....	148 58	
Replating table ware.....	68 16	
Rubber sheeting, 40½ yards.....	21 87	
Russia iron baking pans, 4.....	8 00	
Sad irons and stands.....	7 50	
Sheeting, 1,909 yards.....	314 69	
Small kitchen wares.....	4 45	
Straw, 17,729 pounds.....	211 05	
Stove repairs— pipe, zinc, etc.....	84 42	
Table covers, 6.....	15 60	
Tea and tablespoons, 2 gross.....	12 44	
Ticking, 391 yards.....	52 20	
Tinware.....	146 77	
Towels, 5½ dozen.....	16 10	
Toweling, 408 yards.....	59 20	
Tuning piano.....	2 00	
Whisk brooms, 3½ dozen.....	7 23	
Window shades and repairs.....	103 77	
Wooden ware.....	6 85	
		\$3,867 22

Building and Repairs.

Paid for drainage and grading at Tarrytown.....	\$3,679 25	
Rapid Transit Rock Drilling Co., on acc't Artesian Well.....	2,262 40	
		5,941 65
Carpenters' wages.....	2,295 05	
Lumber.....	2,241 30	
Painting and Glazing.....	2,217 52	
Mason Work.....	1,695 32	
Hardware and Tools.....	527 66	
Labor.....	509 50	
Carried forward.....	\$15,428 00	\$102,480 93

Brought forward.....	\$15,428 00	\$102,480 93
Drainage.....	397 85	
Pipe and Fittings.....	385 65	
Excavating for relaying Croton pipe.....	383 50	
Plumbing.....	382 24	
Kalsomining and Whitewashing.....	330 58	
Water Meter.....	262 25	
Repairing Roofs, Gutters and Leaders.....	249 02	
Repairing Steam Engine and Boilers.....	248 72	
Wire Work.....	144 86	
Iron and Blacksmithing.....	121 98	
Cartage.....	114 75	
Bath and Laundry Tubs.....	90 00	
Repairing Sinks.....	79 34	
Repairing Ranges.....	78 44	
Galvanized Iron Work.....	70 96	
Lightning Rods.....	67 50	
Shafting.....	49 50	
Improving Cemetery Plot.....	25 00	
Rope.....	18 46	
Powder and Fuse.....	16 88	
Doors and Window sash.....	11 08	
		<hr/>
		\$18,956 56

Fuel and Lights.

Anthracite coal, 1,342 tons.....	5,616 18	
Gas, 1,245,800 feet.....	2,200 06	
Hoisting, shoveling and carting coal.....	635 07	
Charcoal, 370 barrels.....	233 00	
Sperm oil, 36½ gallons.....	48 50	
Coal barrows, shovels, etc.....	29 04	
Matches, 10 gross.....	25 00	
Flue brushes.....	5 25	
Kerosene oil.....	4 64	
Wages of engineer and firemen.....	1,654 09	
		<hr/>
		\$10,450 83

Printing.

Presses, type and furniture.....	1,241 37	
Paper and cards.....	320 07	
Folding and Binding.....	38 84	
Traveling expenses and Postage.....	33 05	
		<hr/>
Carried forward.....	1,633 33	\$131,888 39

Brought forward	\$1,633 33	\$131,888 32
Cartage.....	23 00	
Re-covering rollers, ink and benzine.....	17 10	
Wages of Printers.....	1,116 00	
	<hr/>	\$2,789 43

Stable.

Oats, 395 bags.....	536 57	
Hay, 36,644 pounds.....	358 90	
Horse shoeing.....	180 80	
Repairing wagons, carts and sleighs.....	153 70	
Harness and repairing.....	98 40	
Ground feed and oil meal.....	73 33	
Lumber wagon.....	55 00	
Lap robes.....	32 00	
Blankets, Liniment and stable tools.....	25 73	
Straw.....	17 50	
Wages of stablemen.....	436 50	
	<hr/>	1,968 43

Washing.

Hard soap, 15,070 pounds.....	925 64	
Starch, 2,800 pounds.....	158 48	
Washing fluid, 517 gallons.....	131 89	
Soap stock, sal soda and borax.....	76 50	
Blneing.....	48 13	
Ironing machine.....	38 00	
Cartage.....	28 86	
Castile soap.....	22 12	
Sapolio.....	17 15	
Wages of laundresses.....	2,052 94	
	<hr/>	3,499 71
Wages of farmer and gardener, seeds, manure, etc.....	2,149 11	
Books, slates and stationery for schools.....	1,512 13	
Hospital Supplies \$1,065.72. Wages of Nurse, \$300.....	1,365 72	
Delegation to Milan Conference.....	600 00	
Railroad, stage fare and carriage hire.....	547 61	
Stationery.....	458 02	
Expenses of sending pupils home in excess of receipts....	341 03	
Croton Water.....	294 00	
Revenue and postage stamps.....	274 22	
Subscription to American Annals of the Deaf and Dumb.....	194 00	
	<hr/>	

Carried forward..... 147,881 73

Brought forward.....	\$147,881 73
Freight, Cartage and Expressage.....	63 70
Alcohol.....	63 11
Advertising.....	61 93
Legal services.....	50 00
Newspaper Subscriptions.....	31 45
Expenses of pupils to City Exhibition.....	24 55
Telegrams.....	24 51
Drum repairs.....	10 89
Twine.....	10 18
Croton hose.....	9 03
Boat Cushions.....	7 50
Repairing Watchman's time detector.....	6 00
Fly-paper and Insect powder.....	5 55
Employment Agency.....	5 00
State Manuals.....	2 00
Paid Mr Stevenson, release of suit in Tarrytown Estate..	1,700 00
Rent of safe in Park Bank.....	35 00
Paid loan of Merchants Bank.....	6,000 00
Books for library.....	101 38
Cash in Institution for savings of Merchants clerks.....	6,686 89
Cash in United States Trust Company.....	40,000 00
Cash in Merchants Bank.....	5,200 11

\$207,980 51

RECEIPTS.

From Comptroller of the State for State pupils' board and tuition.....	\$69,202 47
From Comptroller of the City of New York for clothing State and support of County pupils from said County..	35,114 26
From the Treasurer of the State of New Jersey for board, tation and clothing of pupils from said State.....	23,259 74
From the Treasurers of the following counties for clothing of State and support of County pupils.....	

	Clothing State pupils.	Support of County pupils.	Total.
Albany.....	\$492 75	\$2,248 33	\$2,741 08
Broome.....	50 25		50 25
Cattaraugus	30 00		30 00
Cayuga	30 00		30 00
Chautauqua	90 26	300 00	390 26
Chemung	60 00		60 00
Chenango.....	88 92		88 92
Erie.....	60 00	300 00	360 00
Franklin.....	30 00		30 00
Kings.....	953 58	4,891 18	5,844 76
Livingston.....	30 00		30 00
Madison.....	60 00		60 00
Monroe.....	60 00		60 00
Niagara.....	30 00		30 00
Oneida.....	180 00		180 00
Onondaga.....	150 00		150 00
Ontario.....	60 00		60 00
Orange.....	339 00	895 83	1,234 83
Oswego.....	90 00		90 00
Queens.....	153 00	1,197 00	1,350 00
Rensselaer.....	60 00	900 00	960 00
Richmond.....	87 67	325 00	412 67
Rockland.....	90 00	300 00	390 00
Saratoga.....	30 00		30 00
Schuyler.....	30 00		30 00
Schoharie.....	263 01	1,548 33	1,811 34
St. Lawrence....	57 50		57 50

Carried forward, \$3,655 94 \$12,905 67 \$16,561 61 \$127,576 47

Brought forward,	\$3,655 94	\$12,905 67	\$16,561 61	\$127,576 47
Stenben.....	30 00		30 00	
Suffolk.....	70 92	505 83	576 75	
Sullivan.....	128 33	121 67	250 00	
Tioga.....	30 00		30 00	
Ulster.....	180 00	1,990 00	2,170 00	
Westchester....	230 00	1,416 66	1,646 66	
Wyoming.....	62 50	275 00	337 50	
	<u>\$4,387 69</u>	<u>\$17,214 83</u>	<u> </u>	\$21,602 52
From paying pupils for board and tuition.....				2,906 94
From printing.....				573 77
From sales of grease and refuse.....				304 25
From sales of wood.....				159 50
From discount on audited bills.....				151 11
From clothing.....				134 44
From sales of empty barrels.....				55 06
From sales, shoe shop account.....				47 95
From sales, rags and old paper.....				43 25
From sales, old iron.....				30 84
From sales, tailor shop account.....				14 98
From sales, dry goods.....				10 67
From sales, vegetables.....				9 80
From sale trunk and books.....				12 35
From legacy of D. Marley, (in part).....				1,389 50
From interest.....				2,633 84
From proceeds of sale at Fanwood under foreclosure....				3,230 52
From New York City Revenue Bond.....				40,000 00
Cash balance October 1, 1879.....				7,092 75
				<u>\$207,980 51</u>

STATE OF NEW YORK, }
CITY AND COUNTY OF NEW YORK, } ss.

Joseph W. Patterson of said city, being duly sworn, says that he is the Treasurer of the New York Institution for the Instruction of the Deaf and Dumb, that the foregoing account, to the best of the deponent's knowledge and belief is true and just in every particular, and further saith not.

JOSEPH W. PATTERSON,

Treasurer.

Sworn before me this the 26th }
day of October, 1880. }

ANDREW WARNER,
Notary Public.

Report of the Superintendent and Physician.

To the Board of Directors of the New York Institution for the Instruction of the Deaf and Dumb.

GENTLEMEN.—In presenting the statistics and review of the Administrative and Medical departments of the Institution for the fiscal year ending September 30, 1880, it gives me pleasure to record a period of unusual health, and continued prosperity.

ADMINISTRATIVE.

The following table shows the summary of pupils who have been connected with the Institution.

	Males.	Females.	Total.
Number present September 30, 1879.	291	185	476
Former pupils re-admitted.	18	9	27
New pupils admitted.	86	14	50
Whole number.	845	208	553
Number who have left during the year.	68	42	105
Number connected with the Institution September 30, 1880.	282	166	448

The 553 pupils who were under instruction during the year, were supported as follows.

By the State of New York,	291
By the Counties of New York,	171
By the State of New Jersey,	81
By the parents, guardians, or friends,	10
Total,	553

Of the 50 admissions, 22 were County pupils and 11 State pupils, 13 were from the State of New Jersey and 4 were private.

Of the 105 discharges, 85 were State and 8 were County pupils, 8 were from the State of New Jersey and 4 were private.

The average number of pupils connected with the Institution during the past year was 503.

FINANCIAL.

The bills against the Counties for board and tuition of pupils, and receipts on account of printing, repairs at shops and all other sources made payable to the Superintendent have been duly collected and promptly rendered to the Treasurer. The vouchers for payment of all accounts made by the Superintendent have been audited monthly by the Executive Committee and placed on file as heretofore for future

reference. The itemized account of disbursements and receipts is embraced as usual in the Treasurer's account.

The increasing cost of provisions and supplies and the decided advance in labor has received special attention on the part of the Executive Committee. In the face of these enlarged expenditures, the action of the Legislature in reducing the allowance for board and tuition of State pupils for the ensuing year to a figure considerably below the per capita cost of their support during the past year would hardly appear to be justified, and if continued is liable to embarrass the Directors in their benevolent designs in behalf of the deaf and dumb. The abundant and surprising success attending the efforts to instruct this otherwise dependent class of our fellow-beings, and the possible event in their neglected condition of their becoming an annual and permanent charge upon the State, makes the subject one requiring wise consideration on the part of the guardians of the public charities.

INDUSTRIAL.

The work at the trades has been continued by the pupils with their accustomed diligence and faithfulness—indeed, I may say to an unusual degree. The harmony of action and zeal in their work has been very noticeable. In so large a household, it is difficult to accurately estimate the amount performed by individual members. The amount accomplished in the several industries has been fully equal to that of former years.

I present herewith a statistical account of the work performed in the various departments.

CARPENTER SHOP.

Value of new work and repairs done for the Institution.... \$3,677 20

SHOE SHOP.

Number of shoes made.....	1027 pairs.	
Cost of 1,018 pairs of shoes distributed.....		\$2,778 00
Cost of repairing 1,988 pairs of shoes.....		1,188 50
Custom work (cash)		47 95
		<hr/>
		\$4,004 45

TAILOR SHOP.

Number of coats made.	183
Number of jackets made.....	275
Number of pairs of pants made.....	571
Number of vests made	87
Number of mattress ticks made.....	42
Number of straw ticks made.....	16
Number of pillow ticks made.....	8
Cost of 140 coats distributed....	\$805 45
Cost of 204 jackets distributed.....	815 85
Cost of 487 pairs of pants distributed.....	1,784 15
Cost of 15 vests distributed.....	81 75
Custom work (cash).....	14 98
	<hr/>
	\$3,401 68

PRINTING OFFICE.

(Value of work done for the Institution.)

For the Educational Department.....	\$448 00
For the Administrative Department.....	85 25
Printing Annual Report.....	875 00
Custom Work (cash)	573 77
	<hr/>
	\$1,482 02

FARM AND GARDEN.

(Vegetables and fruit used in the Institution, etc.)

Apples, 44 barrels....	\$33 00	Brought up..	\$1,913 20
Asparagus, 46 bunches....	9 20	Parsnips, 112 bushels....	112 00
Beans, 128 bushels....	158 20	Peaches, 4 baskets....	3 00
Beets, 183 bushels....	68 60	Pears, 6 bushels.....	6 00
Cabbage, 8406 heads....	340 60	Peas, 48 bushels.....	82 25
Carrots, 45 bushels....	67 50	Peppers, 4 bushels.....	4 00
Cauliflower, 188.....	13 80	Pie plant, 477 bunches....	80 00
Celery, 891 dozen.....	195 50	Potatoes, 82 barrels....	184 50
Cherries, 3½ bushels....	4 25	Radishes, 116 bushels....	72 50
Corn, 1085 dozen.....	258 75	Spinach, 114 barrels....	142 50
Cucumbers, 148 dozen..	35 75	Sprouts, 51 barrels....	51 00
Currants, 45 pounds....	4 00	Tomatoes, 342 bushels....	218 75
Egg plants, 52	7 80	Turnips, 100 bushels....	50 00
Leeks, 4,440 bunches..	277 50	Cash from sale of vegeta-	
Lettuce, 238 bushels....	349 50	bles.....	9 80
Onions, 52 bushels....	88 20		
Parsley, 76 bunches....	5 75	Total.....	\$2,824 50
Amount carried up...\$1913 20			

SEAMSTRESS ROOMS.

(Articles made, in addition to a large amount of work done in mending, alterations, etc.)

Aprons.....	656	Night dresses.....	123
Bags.....	28	Pillow cases.....	735
Books covered.....	125	Sheets.....	443
Chemises.....	158	Shirts.....	851
Counterpanes.....	59	Skirts.....	100
Curtains.....	142	Table clothes.....	115
Drawers pairs.....	285	Towels.....	980
Dresses.....	381	Towels (slate).....	500
Napkins.....	123		

REPAIRS AND IMPROVEMENTS.

The expenses for repairs and improvements have been considerable, but only such as were especially important, and due to wise economy in the preservation of the property of the Institution.

1. The Directors having decided to increase the facilities for printing, the office was enlarged by taking a portion of the tailor shop, and changing the partition, thus giving ample room for new

presses and other material recently purchased. Additional opportunities of learning this trade have been given to the pupils by the regular printing of a weekly paper at the Institution. The work of the office has increased, giving employment to a larger number of boys.

2. The Croton pipe has been taken up and relaid below the grade of the new Boulevard, and a water meter attached to the Croton main according to instructions of the Croton Department. The work of grading the approaches to the Boulevard on the drive to 10th Avenue, has also been accomplished. The outside woodwork of the School building has been thoroughly painted, and the usual repairs required in renovating the building was done during vacation.

3. The Board of Directors having decided to use the Mansion House for the smaller boys, the building was put in order and reopened on the 6th of December by the transfer of 44 boys from 6 to 10 years of age, who had been recently admitted. The house was organized by the appointment of Mrs. J. T. Dillingham, matron, and Miss Louisa Joyce, supervisor. Mr. T. H. Jewell was selected as teacher. This change in the care of the little boys has quietly resulted in a decided and pleasing improvement in the discipline of the boys at the main building.

4. The Branch Institution at Tarrytown has continued without change, and affords an excellent opportunity to test the advantages of an isolated primary classification. The Artesian well in process of construction is expected to supply an abundance of water, a desideratum indispensable to so large an institution.

The large dwelling house located on Broadway, has been repaired and painted and is ready for occupancy. Fourteen hundred feet of picket fence, five feet high, has been erected along Broadway, and five hundred and sixty-two feet, seven feet high, on the northern boundary of the property.

MEDICAL.

In consideration of the variety of diseases exhibited in the following table, and the unavoidable exposure in exercise and visits home of the children, many of whom are naturally delicate and inclined to disease, we feel great occasion for thankfulness, and we are impressed by the fact that not a single death has taken place in our household of 660 people within the entire year.

In the months of April, May and June, an epidemic of measles prevailed among our pupils, numbering seventy-three cases. The favorable season aided no doubt in mitigating the severity of the disease, and relieved us from much inconvenience in caring for so large a number.

The following list of cases required special professional attention, being confined for the time being in our infirmary :

	Males.	Females.	Total.
Amenorrhœa.....		3	3
Asthma.....		1	1
Bronchitis.....	9	1	10
Catarrh.....	11	9	20
Cornea ulcer.....	1		1
Conjunctivitis.....	3	2	5
Croup.....	1	2	3
Debility.....		2	2
Diarrhœa.....	1	3	4
Enteritis.....		1	1
Erysipelas.....	1	1	2
Fracture (Tibula and Fibula).....	1		1
Granular lids.....	2		2
Hemorrhoids.....	1		1
Hysteria.....		1	1
Injury.....	5		5
Intermittent fever.....	5	9	14
Jaundice.....	1		1
Measles.....	13	60	73
Peritonitis.....	1		1
Pleurisy.....		1	1
Pneumonia.....	6	8	14
Poison (by ivy).....	3		3
Porrigo.....	1		1
Rheumatism.....	1	2	3
Tonsilitis.....	16	14	30
Whitlow.....	1		1

ACKNOWLEDGMENTS.

The following newspapers and periodicals, gratuitously furnished to our pupils by the various publishers and friends, have been regularly received, and assist in a good degree in securing the contentment and cheerfulness of the household. We trust that the friends interested in this particular and important benevolence, may help to increase the list as opportunity offers.

Monthly.

American Agriculturist, New York City.
 Sunday School Journal, New York City.

Sheltering Arms, New York City.
 Our Record, Buffalo, N. Y.
 The Rain Drop, Turtle Creek, Pennsylvania.
 Mute Journal of Nebraska, Omaha, Nebraska.
 The Mute Ranger, Austin, Texas.

Semi-Monthly.

Sunday School Advocate, New York City.
 Deaf-Mute Record, Fulton, Missouri.
 Silent Observer, Knoxville, Tennessee.
 Mutes Companion, Faribault, Minn. (Two copies.)

Semi-Weekly.

The New York Times.
 The New York World.
 The New York Tribune.

Weekly.

The Evangelist, New York City.
 The New York Trade Journal, New York City.
 The Newburgh Weekly Journal, Newburgh, N. Y.
 The Utica Weekly Herald, Utica, N. Y.
 The Watertown Reformer, Watertown, N. Y.
 The Rome Sentinel, Rome, N. Y.
 The Saratogian, Saratoga Springs, N. Y.
 The Rensselaerville Press, Rensselaerville, N. Y.
 The Weekly State Gazette, Trenton, N. J.
 The Kentucky Deaf-Mute, Danville, Ky. (Two copies.)
 The Goodson Gazette, Staunton, Va. (Two copies.)
 The Deaf-Mute Mirror, Flint, Mich. (Two copies.)
 The Mute Chronicle, Columbus, Ohio. (Two copies.)
 The Deaf-Mute Advance, Jacksonville, Ill.
 The Deaf-Mute Press, Delavan, Wis. (Two copies.)
 The Deaf-Mutes' Journal, New York City. (Two copies.)
 The Deaf-Mute Index, Colorado Springs, Col.
 The Tablet, Romney, W. Va.
 The Kansas Star, Olathe, Kan.
 The Chicago Letter, Chicago, Ill.

To Mr. Richard S. Rhodes, we are indebted for twelve single and six double audiphones for the use of the pupils.

To Mr. Thomas Bailey, for a collection of Indian and war relics from Fort Tryon.

To the members of the Ladies Committee, for supplies for the Christmas tree for the little boys of the primary department.

From the officers of the Peoples' Line of Steamers, the New York Central and Hudson River and New York, Lake Erie and Western Railroads, we have received liberal reduction in rates of fare for pupils going to their homes for vacation.

To Dr. William Frothingham and Dr. E. Herrick, the Consulting Physicians, we are under special obligations for professional courtesies and assistance.

CONCLUSION.

Comparatively few changes have taken place in the working force of this department. Mr. E. J. Hallicy, Supervisor, having resigned in August, Mr. Wallace F. Howell was advanced to his position, and Mr. Stephen F. Sloat, a graduate of the High Class, was appointed as Assistant Supervisor.

I desire to record the continued and harmonious action of the officers and assistants throughout the Institution. The greater happiness and contentment of the pupils has been fully realized in consequence.

In the experience of the year, there is abundant evidence of mercies dispensed by an All-Wise Providence. We would not appear unmindful of our indebtedness for so many added blessings.

Respectfully yours,

WILLIAM PORTER, M.D.,

Superintendent and Physician.

CATALOGUE OF PUPILS

WHO HAVE BEEN

CONNECTED WITH THE NEW YORK INSTITUTION FOR
THE INSTRUCTION OF THE DEAF AND DUMB WITHIN
THE 12 MONTHS ENDING SEPTEMBER 30, 1880.

MALES.

Name.	Town.	County.
Aby, Louis N.....	West Troy.....	Albany.
Adkins, Charles A.....	New York.....	New York.
Allen, William.....	New York.....	New York.
Atkinson, William.....	Patterson.....	Passaic, N. J.
Avens, Frank.....	Brooklyn.....	Kings.
Baars, Frederick W.....	Brooklyn.....	Kings.
Bachhaus, Frederick.....	New York.....	New York.
Bagnall, Irwin E.....	Brooklyn.....	Kings.
Barry, Edmund.....	New York.....	New York.
Bauer, Michael.....	New York.....	New York.
Baxter, Archibald McC....	New York.....	New York.
Bechard, Alfred.....	Colloes.....	Albany.
Becker, John R.....	Easton.....	Washington.
Bentley, Thomas, Jr.....	New York.....	New York.
Berray, Seymour A.....	Walton.....	Delaware.
Bettels, Henry.....	New York.....	New York.
Betz, Henry, Jr.....	New York.....	New York.
Beyer, Henry.....	New York.....	New York.
Bingham, Walter L.....	Mcbanesville.....	North Carolina.
Black, John M.....	Rahway.....	Union, N. J.
Blake, Charles F.....	Brooklyn.....	Kings.
Bouck, Frank D.....	Schoharie.....	Schoharie.
Bousfield, Alfred H.....	Madison.....	Morris, N. J.
Bowers, Wilber L.....	Brooklyn.....	Kings.
Bowker, Isaac B.....	Trenton.....	Mercer, N. J.
Brauer, Albert.....	Brooklyn.....	Kings.
Brede, Louis.....	Jersey City.....	Hudson, N. J.
Brede, Peter.....	Jersey City.....	Hudson, N. J.
Britt, James.....	New York.....	New York.
Broad, Henry B.....	Brooklyn.....	Kings.

Name.	Town.	County.
Brockman, Isaac.....	New York.....	New York.
Brown, Daniel H.....	New York.....	New York.
Brown, Ellsworth A.....	Kirkland.....	Oneida.
Buermann, Henry.....	New York.....	New York.
Burkhardt, Julius.....	Brooklyn.....	Kings.
Burns, James.....	Brooklyn.....	Kings.
Butler, John R.....	New York.....	New York.
Butterly, Peter, Jr.....	New York.....	New York.
Cain, John.....	Utica.....	Oneida.
Cannon, Anthony.....	Hoboken.....	Hudson, N. J.
Capelli, Anthony.....	New York.....	New York.
Card, Charles E.....	Lebanon.....	Madison.
Carlman, Thure E.....	Albany.....	Albany.
Carmichael, Wilson.....	Stuyvesant.....	Columbia.
Caton, James H.....	Lloyd.....	Ulster.
Childs, Waldo C.....	Albany.....	Albany.
Chinery, John F.....	New York.....	New York.
Christian, George....	Mamakating.....	Sullivan.
Clair, Melvin E.....	Andover.....	Allegany.
Clark, James.....	Paterson.....	Passaic, N. J.
Clinton, Richard T.....	New York.....	New York.
Connor, James.....	Passaic.....	Passaic, N. J.
Connors, John, Jr.....	Watervleit.....	Albany.
Coombs, William.....	New York.....	New York.
Costuma, David.....	New York.....	New York.
Cotter, John P.....	Newark.....	Essex, N. J.
Cotter, William, Jr.....	New York.....	New York.
Coulter, Arthur W.....	New York.....	New York.
Craft, Charles.....	Unionvale.....	Dutchess.
Cruikshank, George W....	New York.....	New York.
Dackerman, Philip.....	Brooklyn.....	Kings.
Davis, Joseph B.....	New York.....	New York.
Davitt, Henry.....	Kingston.....	Ulster.
Doane, Charles S.....	Wheatland.....	Monroe.
Dobbs, John H.....	New Windsor.....	Orange.
Donnelly, James F.....	New York.....	New York.
Donnelly, Joseph H.....	New York.....	New York.
Donohue, William, Jr.....	Binghamton.....	Broome.
Drum, Jeremiah.....	Troy.....	Rensselaer.
Duffy, Terrence.....	New York.....	New York.
Dundon, John H.....	New York.....	New York.
Dunlap, Edward.....	Brooklyn.....	Kings.

Name.	Town.	County.
Dunn, Uylsses G.....	Paris.....	Oneida.
Duryee, Nelson.....	Warrensburgh.....	Warren.
Ecku, Frank.....	Brooklyn.....	Kings.
Eckert, Frederick.....	New York.....	New York.
Edmonston, Charles D.....	Cornwall.....	Orange.
Eagan, Michael.....	New York.....	New York.
Ekartd, Frederick.....	New York.....	New York.
Emmons, Alfred.....	New York.....	New York.
Engle, Paul.....	Berne.....	Albany.
Enz, William.....	New York.....	New York.
Erdmann, Gustave.....	New York.....	New York.
Ersinger, William S.....	Newark.....	Essex, N. J.
Esselstine, William F.....	Watertown.....	Jefferson.
Falte, August.....	New York.....	New York.
Farrell, John.....	New York.....	New York.
Felton, Fred, Jr.....	Sheridan.....	Chautauqua.
Fenton, George E.....	Pitcher.....	Chenango.
Fisher, George T.....	Dunkirk.....	Chautauqua.
Flanagan, Wm. H., Jr.....	Newburgh.....	Orange.
Fogle, Peter.....	Albany.....	Albany.
Fosmire, Willlam H.....	Troy.....	Rensselaer.
Freid, Maysea.....	New York.....	New York.
Friday, Benjamin.....	Albany.....	Albany.
Friess, George.....	New York.....	New York.
Fritz, John.....	Brooklyn.....	Kings.
Gallagher, Bernard.....	New York.....	New York.
Gallagher, James.....	Metuchen.....	Middlesex, N. J.
Garson, Eli, Jr.....	Black Brook.....	Clinton.
Garrison, John H.....	Troy.....	Rensselaer.
Gately, Patrick J.....	New York.....	New York.
Gehring, Louis.....	Brooklyn.....	Kings.
Gilmore, William.....	New York.....	New York.
Glass, John.....	New York.....	New York.
Gleason, Frank.....	New York.....	New York.
Gleason, George.....	New York.....	New York.
Glosque, Joseph, Jr.....	Yonkers.....	Westchester.
Glosque, Peter.....	Yonkers.....	Westchester.
Glynn, Martin.....	New York.....	New York.
Golland, Isaac, Jr.....	New York.....	New York.
Gordon, Washington A....	Brookhaven.....	Suffolk.
Gorman, Michael.....	New Monmouth....	Monmouth, N. J.
Graham, Charles E.....	DeRuyter.....	Madison.

Name.	Town.	County.
Grant, Robert H.....	New York.....	New York.
Gundersdoff, Edward.....	Hoboken	Hudson, N. J.
Hadden, Benjamin F.....	Brooklyn.....	Kings.
Haight, Tilson W.....	New York.....	New York.
Hall, George W.....	New York.....	New York.
Halloran, Thomas H.....	New York.....	New York.
Hamm, Henry.....	New York.....	New York.
Hanley, Dennis.....	Kingston.....	Ulster.
Hanneman, Abraham.....	New York.....	New York.
Hanneman, Herman.....	New York.....	New York.
Hanneman, Julius.....	New York.....	New York.
Harris, William I.....	New York.....	New York.
Harth, Robert.....	New York.....	New York.
Hartigan, George.....	New York.....	New York.
Hathaway, Charles W.....	New York.....	New York.
Held, Henry.....	Albany.....	Albany.
Heller, Robert C.....	Musconetcong.....	Hunterdon, N. J.
Henriques, Herbert H.....	Brooklyn.....	Kings.
Henry, Robert J.....	York.....	Livingston.
Herman, John.....	Caneadea.....	Allegany.
Herrick, Richard.....	Farmersville.....	Cattaraugus.
Herrmann, Lewis.....	New York.....	New York.
Heslin, Lawrence F.....	Brooklyn.....	Kings.
Hewitt, Frederick W.....	Brooklyn.....	Kings.
Hopper, Thomas N.....	Newark.....	Essex, N. J.
Honck, Frank M.....	Arkwright.....	Chautauqua.
Howard, Edward.....	Baileytown.....	Salem, N. J.
Hunt, John S.....	Blooming Grove....	Orange.
Huyskamp, Henry.....	Hohokus.....	Bergen, N. J.
Ingebrand, John, Jr.....	New York.....	New York.
Innis, William.....	New York.....	New York.
Jacobs, Jacob.....	Brooklyn	Kings.
Jamieson, Thomas, Jr.....	Flatbush.....	Kings.
Jastram, Charles.....	New York.....	New York.
Jaynes, John W.....	New York.....	New York.
Johnson, Phillip.....	North Greenbush...	Rensselaer.
Jones, Isaac.....	New York.....	New York.
Jourdan, Frank.....	New York.....	New York.
Kansridle, John, Jr.....	New York.....	New York.
Kees, Paul.....	Newark.....	Essex, N. J.
Kelder, Eli.....	Wawarsing.....	Ulster.
Kennedy, Henry J.....	New York.....	New York.

Name.	Town.	County.
Kerr, Robert S.....	Rahway.....	Union, N. J.
Kickens, John.....	Hoboken.....	Hudson, N. J.
Kieswetter, Charles.....	New York.....	New York.
Kinley, Charles J.....	Yorktown.....	Westchester.
Kinney, Peter.....	Newark.....	Essex, N. J.
Kistler, Jacob A.....	New York.....	New York.
Knowlton, John J. M.....	New York.....	New York.
Knox, Frederick.....	Brooklyn.....	Kings.
Koener, Adam.....	New York.....	New York.
Koenig, Carl.....	New York.....	New York.
Kohler, Max.....	New York.....	New York.
Lalonde, Henry.....	Oswego.....	Oswego.
Lamm, Herman.....	Brooklyn.....	Kings.
Lancaster, Lucas C.....	Cornwall.....	Orange.
Lang, Julius F.....	New York.....	New York.
Lange, Charles.....	Brooklyn.....	Kings.
Lark, Augustus.....	Brooklyn.....	Kings.
Lennon, John W.....	Olive.....	Ulster.
Letts, Charles.....	Salina.....	Onondaga.
Lever, Joseph D.....	German Flats.....	Herkimer.
Lloyd, John, Jr.	New York.....	New York.
Long, Walter.....	New York.....	New York.
Long, William, Jr.....	New York.....	New York.
Loreer, Theodore.....	New York.....	New York.
Loyd, James B.....	Westfield.....	Chautauqua.
Lyng, Edwin.....	New Brunswick....	Middlesex, N. J.
Lyons, John W.....	Brooklyn.....	Kings.
Lyons, Lewis F.....	New York.....	New York.
Mahoney, Dennis.....	New York.....	New York.
Mann, Chester Q.....	New York.....	New York.
Matthews, Eugene.....	New York.....	New York.
Matthews, Peter E.....	Port Oram.....	Morris, N. J.
McConnell, Gibson.....	Poughkeepsie.....	Dutchess.
McCormick, Charles.....	New York.....	New York.
McDonald, Andrew.....	New York.....	New York.
McDonnell, Richard P....	New York.....	New York.
McEvoy, John J.....	Fishkill.....	Dutchess.
McFaul, Michael.....	New York.....	New York.
McGann, Edward.....	New York.....	New York.
McKerahan, Edward.....	New York.....	New York.
McVea, William.....	New York.....	New York.
Meade, Peter.....	Albany.....	Albany.

Name.	Town.	County.
Meinken, Frederick W.....	New York.....	New York.
Messer, Archibald.....	Albany.....	Albany.
Michel, Emil.....	New York.....	New York.
Miller, George W.....	New York.....	New York.
Miller, Joseph.....	Gilboa.....	Schoharie.
Miller, Max.....	New York.....	New York.
Minotti, Carlo.....	New York.....	New York.
Mitchell, Peter, Jr.....	New York.....	New York.
Montgomery, Curtis F.....	Old Bridge.....	Middlesex, N. J.
Mooney, John.....	West Farms.....	Westchester.
Moore, William Jr.....	New York.....	New York.
Morrisse, George H.....	New York.....	New York.
Mornhinway, John R.....	Mount Vernon.....	Westchester.
Morris William.....	Beekman.....	Dutchess.
Morris, William, Jr.....	Stapleton.....	Richmond.
Mull, Charles F.....	Albany.....	Albany.
Nash, James.....	Lenox.....	Madison.
Newman, Ashburnham C...	Lachine.....	Canada.
Newton, Charles D.....	Owego.....	Tioga.
Noble, Gifford J.....	Clinton.....	Dutchess.
Oakes, Charles D.....	New York.....	New York.
O'Brien, John.....	New York.....	New York.
O'Brien, John, Jr.....	New York.....	New York.
O'Connell, John, Jr.....	New York.....	New York.
Odell, Francis.....	New York.....	New York.
Odell, George W.....	Rye.....	Westchester.
Ogle, John.....	Newburgh.....	Orange.
Ogle, Robert.....	Newburgh.....	Orange.
Ogle, William.....	Newburgh.....	Orange.
O'Neal, James C.....	Oswego.....	Oswego.
O'Sullivan, Richard M.....	New York.....	New York.
Palmer, Myron.....	Coxsackie.....	Greene.
Paul, Andrew.....	Brooklyn.....	Kings.
Pechette, Charles.....	Cohoes.....	Albany.
Penrose, Frank T.....	Paterson.....	Passaic, N. J.
Penrose, Joseph H.....	Paterson.....	Passaic, N. J.
Perkins, George.....	Alfred.....	Allegany.
Pezara, Abraham.....	New York.....	New York.
Pezara, George.....	New York.....	New York.
Pidcock, Henry F.....	Lambertville.....	Hunterdon, N. J.
Piñeres, Vicente G. de.....	Bogota.....	U. S. of Colombia.
Pitt, William J.....	Haverstraw..	Rockland.

Name.	Town.	County.
Plunkett, James.....	New York.....	New York.
Porter, George S.....	Liberty.....	Sullivan.
Probst, Herman.....	New York.....	New York.
Proper, Walter, Jr.....	Hudson.....	Columbia.
Quigg, John.....	Kingston.....	Ulster.
Quinn, Thomas.....	New York.....	New York.
Reid, William.....	New York.....	New York.
Reider, Charles E.....	Washington.....	Warren, N. J.
Reilly, William J.....	New York.....	New York.
Reinhold, Louis.....	Wheatfield.....	Niagara.
Reininger, Adolph.....	New York.....	New York.
Reininger, Joseph.....	New York.....	New York.
Roberts, John J.....	New York.....	New York.
Robinson, Stanley.....	Jamesburg.....	Middlesex, N. J.
Rose, Theron.....	Lloyd.....	Ulster.
Rose, William.....	New York.....	New York.
Rosenecker, Powell.....	New York.....	New York.
Rosenthal, Joseph.....	New York.....	New York.
Rudolph, Frederick.....	New York.....	New York.
Russell, Frank E.....	Brooklyn.....	Kings.
Ryan, Michael.....	Brooklyn.....	Kings.
Ryckman, William A.....	New York.....	New York.
Salter, William L.....	Delaware.....	Hunterdon, N. J.
Schanck, Henry.....	Freehold.....	Monmouth, N. J.
Scharlin, Jacob.....	New York.....	New York.
Scheifer, Emil F.....	Montclair.....	Essex, N. J.
Schenck, Walter.....	Flushing.....	Queens.
Schmidt, Charles.....	New York.....	New York.
Schmidt, George.....	New York.....	New York.
Schneider, Edward.....	New York.....	New York.
Schneider, Joseph.....	New York.....	New York.
Schwares, Charles.....	New York.....	New York.
Sendder, Jonas S.....	Huntington.....	Suffolk.
Seelig, Henry.....	New York.....	New York.
Sexton, Richard M.....	Hague.....	Warren.
Shanks, William G.....	Albany.....	Albany.
Shants, John E.....	Sand Lake.....	Rensselaer.
Sharkey, Philip.....	Albany.....	Albany.
Sherran, Charles.....	Hempstead.....	Queens.
Sinclair, Austin.....	Perryville.....	Hunterdon, N. J.
Singer, Eugene H.....	New York.....	New York.
Slattery, John.....	Milton.....	Saratoga.

Name.	Town.	County.
Sloat, Stephen F.....	Wallkill.....	Orange.
Smith, Burdette.....	Albany.....	Albany.
Smith, Elmer E.....	French Creek.....	Chautauqua.
Smith, Louis.....	Rensselaerville.....	Albany.
Soldwedel, Louis.....	New York.....	New York.
Sparrow, Charles H.....	New York.....	New York.
Spencer, Henry D.....	Smithfield.....	Madison.
Spring, Henry.....	New York.....	New York.
Stackpole, Thomas.....	Matteawan.....	Dutchess.
Stauch, John.....	New York.....	New York.
Stengele, Henry.....	New York.....	New York.
Stephenson, John.....	Wilmington.....	Essex.
Stevens, William H.....	Somerville.....	Somerset, N. J.
Stewart, Thomas R.....	Newark.....	Essex, N. J.
Stilwell, Wilbur D.....	New York.....	New York.
Storm, Frederic T.....	Middletown.....	Orange.
Stowell, Charles W.....	Buffalo.....	Eric.
Stratton, James W.....	New York.....	New York.
Stryker, Frederick R.....	Gilboa.....	Schoharie.
Sullivan, Dennis.....	Haverstraw.....	Rockland.
Tantum, Charles A.....	Washington.....	Mercer, N. J.
Taplin, John E.....	Brooklyn.....	Kings.
Thies, Henry.....	New York.....	New York.
Thomas, Arthur L.....	Catskill.....	Greene.
Thompson, Charles T.....	Brooklyn.....	Kings.
Thompson, James.....	New York.....	New York.
Thorne, James T.....	Newburgh.....	Orange.
Tillman, Frederick.....	New York.....	New York.
Toolhey, Joseph.....	New York.....	New York.
Torsney, John.....	Minneville.....	Essex.
Totten, Oscar J.....	New York.....	New York.
Turner, Frank.....	Brooklyn.....	Kings.
Tweed, Richard R.....	Brooklyn.....	Kings.
Tyler, Ira.....	New York.....	New York.
Vallely, John.....	New York.....	New York.
Valentine, Henry C.....	New York.....	New York.
Van Aukon, Elmer E.....	Sterling.....	Cayuga.
Van Orden, Cyrenus.....	Puterson.....	Passiac, N. J.
Van Pelt, Calvin N.....	Matawan.....	Monmouth, N. J.
Wagele, Antoine.....	New York.....	New York.
Wagele, Joseph.....	Long Island City...	Queens.
Walker, William.....	Elmira.....	Chemung.

Name.	Town.	County.
Wall, Frank C.....	Washington Valley.	Somerset, N. J.
Wankowski, Frank.....	Ossining.....	Westchester.
Watkins, William, Jr.....	Albany.....	Albany.
Watson, William W.....	Yonkers.....	Westchester.
Weller, George T.....	Crawford.....	Orange.
Welsh, John.....	Jersey City Heights.	Hudson, N. J.
Wentz, Heinrich.....	Jersey City.....	Hudson, N. J.
West, Eugene A.....	Linklaen.....	Chenango.
Whalen, Edward.....	New York.....	New York.
Whalen, William.....	Metuchen.....	Middlesex, N. J.
White, Alexander.....	Jersey City.....	Hudson, N. J.
Wicke, Frederick C.....	New York.....	New York.
Wilken, Julius.....	Flushing.....	Queens.
Williams, James.....	Jersey City.....	Hudson, N. J.
Williamson, John A.....	Lambertville.....	Hunterdon, N. J.
Winn, Timothy.....	Haverstraw.....	Rockland.
Woodin, Lister.....	Dover.....	Dutchess.
Wormer, Edmond R.....	Albany.....	Albany.
Wormeth, George W.....	Delaware.....	Sullivan.
Zorn, Herman.....	New York.....	New York.
Zundel, Robert.....	New York.....	New York.

FEMALES.

Ackerman, Josephine B....	Yonkers.....	Westchester.
Adams, Florence.....	Brooklyn.. ..	Kings.
Aird, Catherine.....	New York.....	New York.
Antusch, Amelia.....	Newton.....	Queens.
Ashmead, Amelia S.....	Jamaica.....	Queens.
Atwell, Ida M.....	Denning.....	Ulster.
An, Anna.....	Buffalo.....	Erie.
Austin, Almeda M.....	Watertown.....	Jefferson.
Austin, Nellie.....	Hudson.....	Columbia.
Averell, Edith.....	Brooklyn.....	Kings.
Babcock, Edith.....	Southampton.....	Suffolk.
Baldwin, Catherine.....	Cambridge.....	Washington.
Barrager, Mary L	Hancock.....	Delaware.
Barrett, Aleeta F.....	Bedford.....	Westchester.
Beesmer, Cora J.....	Olive.....	Ulster.
Berley, Augusta.....	New York.....	New York.
Bins, Catharine.....	Schoharie.....	Schoharie.
Blaurock, Minna R.....	Orange.. ..	Essex, N. J.
Bogatiska, Margaret.....	New York.....	New York.

Name.	Town.	County.
Bologne, Josephine.....	New York.....	New York.
Boyd, Margaret.....	New York.....	New York.
Branfuhr, Mary.....	New York.....	New York.
Brown, Mary.....	New York.....	New York.
Brown, Minnie.....	New York.....	New York.
Bryan, Anna C.....	Bound Brook.....	Somerset, N. J.
Bucher, Frederika.....	Newark.....	Essex, N. J.
Burnard, Josephine.....	Raritan.....	Somerset, N. J.
Buss, Johanna.....	Hoboken.....	Hudson, N. J.
Butler, Phebe M.....	New York.....	New York.
Caldicott, Ada D.....	Newark.....	Essex, N. J.
Cheek, Mary E.	New York.....	New York.
Christian, Louisa.....	New York.....	New York.
Closson, Mary E. H.....	Trenton.....	Mercer, N. J.
Cobane, Annie.....	New York.....	New York.
Conklin, Lorena,.....	Cochecton.....	Sullivan.
Coppock, Elizabeth A.....	Jersey City.....	Hudson, N. J.
Craig, Agnes.....	Brooklyn.....	Kings.
Cronk, Maria.....	Watervliet.....	Albany.
Crolus, Grace.....	New York.....	New York.
Crolus, May C.....	New York.....	New York.
Dates, Nellie.....	Hector.....	Schuyler.
Daven, Sarah A.....	Whippany.....	Morris, N. J.
Davenport, Lillie.....	New York.....	New York.
Davis Clara E.....	New York.....	New York.
Day, Ida.....	Franklin Furnace..	Sussex, N. J.
Decker, Georgie.....	Montgomery.....	Orange.
DeCoster, Annie C.....	Passaic.....	Passaic, N. J.
Derrick, Ellen.....	Long Island City..	Queens.
DeWilleger, Isabella.....	New York.....	New York.
Dillingham, Ella.....	Brooklyn.....	Kings.
Donoho, Margaret A.....	New York.....	New York.
Doremus, Mary.....	Patterson.....	Passaic, N. J.
Ecka, Mina.....	Brooklyn.....	Kings.
Eckel, Ella L.....	Somerset.....	Union.
Eckert, Sarah L.....	New York.....	New York.
Felt, Betsey.....	New York.....	New York.
Felver, Calcine B.....	New Brunswick....	Middlesex, N. J.
Fish, Mabelle S.....	New Castle.....	Westchester.
Fisher, Lizzie.....	New York.....	New York.
Fisher, Sarah B.....	Dunkirk.....	Chautauqua.
Flint, Cora B.....	Gainesville.....	Wyoming.

Name.	Town.	County.
Flint, Minnie.....	Gainesville	Wyoming.
Frantz, Ella M.....	Ellenville	Ulster.
Freeholder, Eva.....	New York.....	New York.
Gallagher, Mary.....	Utica	Oneida.
Ganiard, Florence M.....	Brooklyn.....	Kings.
Gartland, Catherine E.....	Jersey City.....	Hudson, N. J.
Gloyne, Mary.....	New York.....	New York.
Goreth, Mary F.....	Walkill.....	Orange.
Gould, Annie L.....	Troy.....	Rensselaer.
Gundersdorff, Amy.....	Hoboken.....	Hudson, N. J.
Hamilton, Martha A.....	Cobleskill	Schoharie.
Hand, Florence H.....	Brooklyn.....	Kings.
Hasty, Martha.....	New York.....	New York.
Haws, Hattie.....	New York.....	New York.
Heller, Sarah A.....	Reigelsville.....	Warren, N. J.
Hericht, Tillie.....	New York.....	New York.
Highfield, Margaret A.....	Brooklyn	Kings.
Hitchcock, Effie A.....	Flint.....	Michigan.
Hitz, Matilda.....	New York.....	New York.
Hollister, Daisy.....	New York.....	New York.
Horle, Matilda.....	New York.....	New York.
Housel, Helen E.....	Newark.....	Essex, N. J.
Housel, Minnie.....	Newark.....	Essex, N. J.
Howard, Annie M.....	Colchester	Delaware.
Hunt, Katie.....	Gates.....	Monroe.
Jones, Ida.....	Albany.....	Albany.
Jost, Mena.....	New York.....	New York.
Kaiser, Cornelia.....	New Paltz.....	Ulster.
Keefe, Catherine.....	Rockland	Sullivan.
Kelly, Margaret.....	New York.....	New York.
Kelly, Mary A.....	New York.....	New York.
Kennedy, Anna.....	Macedon.....	Wayne.
Kennedy, Eliza.....	Macedon	Wayne.
Kennedy, Julia.....	Macedon.....	Wayne.
Kennedy, Mary.....	Macedon.....	Wayne.
Kernan, Elizabeth S.....	Brooklyn.....	Kings.
Ketchum, Clara E.....	Greenbush.....	Rensselaer.
Kevitt, Hannah.....	Passaic.....	Passaic, N. J.
Kilroy, Catherine.....	Kingston.....	Ulster.
Krause, Martha E. W.....	Brooklyn... ..	Kings.
Kuehn, Bertha.....	Fishkill.....	Dutchess.
Kugler, Annie C.....	Ramapo.....	Rockland.

Name.	Town.	County:
Kuhn, Cordelia E.....	Schoharie.....	Schoharie.
Lamm, Bertha.....	Brooklyn.....	Kings.
Landt, Lina.....	New York.....	New York.
Lang, Josephine.....	New York.....	New York.
Leghorn, Isbella.....	Newburgh.....	Orange.
Lent, Josephine.....	Peekskill.....	Westchester.
Lewis, Annie E.....	Salina.....	Onondaga.
Lewis, Mary A.....	Albany.....	Albany.
Leiferenz, Freda.....	Albany.....	Albany.
Logue, Catherine.....	Yonkers.....	Westchester.
Long, Mary.....	New York.....	New York.
Long, Nellie.....	New York.....	New York.
Lungwitz, Lina.....	Brooklyn.....	Kings.
Mahoney, Julia.....	New York.....	New York.
Marks, Anna.....	Middletown.....	Richmond.
Marks, Mary.....	New York.....	New York.
Marks, Rachel.....	Middletown.....	Richmond.
Marks, Sarah.....	New York.....	New York.
Martin, Mary A.....	Albany.....	Albany.
Martin, May.....	Riverhead.....	Suffolk.
McClurg, Edna J.....	Richmond.....	Ontario.
McMillen, Elizabeth C.....	New York.....	New York.
Meade, Mary.....	Albany.....	Albany.
Miller, Emma M.....	Newtown.....	Queens.
Mills, Grace.....	Newark.....	Essex, N. J.
Moon, Cora.....	Whitehall.....	Washington.
Morehouse Mattie E.....	Newark.....	Essex, N. J.
Morrin, Elizabeth.....	Albany.....	Albany.
Morrison, Jane.....	Jersey City Heights.....	Hudson, N. J.
Mulligan, Hattie L.....	Watertown.....	Jefferson.
Munch, Frederika.....	Brooklyn.....	Kings.
Munson, Lizzie.....	Passaic.....	Passaic, N. J.
Nathan, Rachel.....	New York.....	New York.
Nicholson, Mary.....	New York.....	New York.
Noble, Elizabeth.....	New York.....	New York.
Ogden, Amy.....	Poughkeepsie.....	Dutchess.
O'Keefe, Margaret.....	New York.....	New York.
O'Sullivan, Kate E.....	Hoboken.....	Hudson, N. J.
Palmatier, Mary E.....	White Plains.....	Westchester.
Penrose, Mary G.....	Paterson.....	Passaic, N. J.
Peterson, Bertha.....	New York.....	New York.
Pfeffer, Mary C.....	New York.....	New York.

Name.	Town.	County.
Pickens, Mollie.....	Peel Tree.....	Barbour, W. Va.
Post, Clara.....	Passaic.....	Passaic, N. J.
Powers, Carrie L.....	Brooklyn.....	Kings.
Price, Honora.....	Port Richmond....	Richmond.
Price, Mary E.....	New York.....	New York.
Quevedo, May F.....	Flatbush.....	Kings.
Rapp, Mary E.....	Albany.....	Albany.
Ray, Martha J.....	New York.....	New York.
Redner, Lousia.....	Utica.....	Oneida.
Reese, Sophia.....	Constantia.....	Oswego.
Regan, Helen.....	New York.....	New York.
Reycraft, Avis.....	Brooklyn.....	Kings.
Rinneberg, Annie.....	Brooklyn.....	Kings.
Robins, Annie E.....	Brooklyn.....	Kings.
Rodgers, Kate.....	New York.....	New York.
Rogers, Engenia.....	New York.....	New York.
Rosenburg, Annie.....	New York.....	New York.
Ruger, Anna.....	New York.....	New York.
Sanford, Millie L.....	Rhinebeck.....	Dutchess.
Schaefer, Catharine.....	New York.....	New York.
Schroeder, Elizabeth.....	Newark.....	Essex, N. J.
Schwan, Moneka.....	Newark.....	Essex, N. J.
Sceley, Margaret.....	Pt. Monmouth.....	Monmouth, N. J.
Shiek, Catherine.....	Brooklyn.....	Kings.
Shute, Kate C.....	Brooklyn.....	Kings.
Siegler, Sarah C.....	Jersey City Heights.	Hudson, N. J.
Sitterly, Winnifred.....	Guilderland.....	Albany.
Smith, Elenora.....	New York.....	New York.
Solomon, Esther.....	New York.....	New York.
Somers, Mary W.....	Bound Brook.....	Middlesex, N. J.
Sprague, Carrie E.....	Rockland.....	Sullivan.
Springsteen, Mary E.....	Oceanic.....	Monmouth, N. J.
Starbuck, Anna L.....	Malta.....	Saratoga.
Stebbins, Sarah A.....	Wellsville.....	Allegany.
Stockner, Alice.....	New York.....	New York.
Streiner, Elizabeth.....	Brooklyn.....	Kings.
Sturmwald, Sarah.....	Brooklyn.....	Kings.
Sullivan, Eva E.....	Richmond.....	Ontario.
Taylor, Ella F.....	New York.....	New York.
Taylor, Selina.....	New York.....	New York.
Tharp, Mary E.....	Montana.....	Warren, N. J.
Thomas, Rosa C.....	Vicksburg.....	Mississippi.

Name.	Town.	County.
Thompson, Jennie L.....	Sidney.....	Delaware.
Thompson, Sarah C.....	Brooklyn.....	Kings.
Tiedemann, Margaret.....	New York.....	New York.
Tyrrell, Jeneva.....	Brooklyn.....	Kings.
Vanness, Ada.....	Newark.....	Essex, N. J.
Van Pelt, Josephine.....	Newark.....	Essex, N. J.
VanVarick, Isbella S.....	New York.....	New York.
Vogel, Bertha.....	New York.....	New York.
Vogel, Mary.....	Jersey City Heights.	Hudson, N. J.
Wuidler, Ann L.....	L. I. City.....	Queens.
Way, Theodora V.....	Caneadea.....	Allegany.
Weidmann, Lizzie.....	New York.....	New York.
Wells, Emily.....	Harrisburg.....	Lewis.
Weyant, Mary A.....	Stony Point.....	Rockland.
Whitehead, Mary H.....	New York.....	New York.
Williams, Jane.....	Brooklyn.....	Kings.
Wolcott, Adelia L.....	Caton.....	Steuben.
Woodruff, Margaret.....	Mendham.....	Morris, N. J.
Woods, Florence.....	Syracuse.....	Onondaga.
Wortendyke, Martha.....	Jersey City Heights.	Hudson, N. J.
Zwink, Emily.....	New York.....	New York.

Report of the Principal.

To the Board of Directors of the New York Institution for the Instruction of the Deaf and Dumb:

GENTLEMEN:—Another year of prosperity has passed over the Institution. The benevolent work in which you are engaged, of giving ears to the deaf, a tongue to the dumb and even eyes to the blind, has received, in an unwonted degree, the reward of success and the meed of appreciation.

Though there are two other Institutions for the education of the deaf and dumb in this city, and three more in other portions of the State, the diminution in the number of our pupils is but 10, and this Institution is still the largest, not only in this country but in the world.

The number under instruction during the Academic year which terminated on the 1st Wednesday in September last was 525, including 324 males and 201 females.

Their distribution in respect to residence was as follows :

Albany County.....	26	Ontario	2
Allegany.....	5	Orange.....	15
Broome.....	1	Oswego.....	3
Cattaraugus.....	1	Queens.....	9
Cayuga.....	1	Rensselaer.....	6
Chautauqua	5	Richmond.....	4
Chemung.....	1	Rockland.....	5
Chenango.....	2	Saratoga.....	1
Columbia.....	3	Schuyler.....	1
Delaware.....	4	Schoharie.....	6
Dutchess.....	9	Stenben.....	1
Erie.....	2	Suffolk.....	4
Essex.....	2	Sullivan.....	6
Greene.....	2	Tioga.....	1
Herkimer.....	1	Ulster.....	12
Jefferson.....	3	Warren.....	2
Kings.....	55	Washington.....	3
Livingston.....	1	Wayne.....	4
Lewis	1	Westchester.....	13
Madison.....	4	Wyoming.....	2
Monroe.....	2	Dominion of Canada	1
New York.....	203	State of Michigan.....	1
Niagara.....	1	State of New Jersey.....	78
Oneida.....	5	State of West Virginia	1
Onondaga..	3	U. S. of Colombia, S. A...	1

These were instructed in 28 classes, an average of 18.75 to the class.

To the 525 under instruction during the Academic year should be added 28 new pupils received in September, making the total number within the year ending September 30, 1880—553.

The number of instructors of regular classes is 16, of whom 12 teach two classes each, spending 4 hours daily with each class, and are paid higher salaries than the remaining 4 who teach but one class each. There are also 2 special teachers, one of whom teaches drawing and painting to 384 pupils, and the other articulation to 50, the pupils thus taught art and articulation being drawn at intervals from the other classes. This makes, with the Principal, who directs the classification, the studies and the discipline of all the classes, and from time to time makes careful and thorough examinations into their progress without charging himself with the instruction of a separate class, an actual force of 19 teachers and an effective force of 30, with an average salary a little less than \$38 dollars per annum, a moderate amount, truly, when it is considered that but seven of the teachers board in the Institution. The total amount paid to Principal and teachers during the year was \$25,133, 21, which, divided by 503, the average number in attendance for whom full payment was received by the Institution, makes the cost of instruction for each pupil \$49.97. In addition to this, was spent during the last year for school books, stereopticon, library, the *American Annals of the Deaf and Dumb* and the delegation to Milan, \$2,407, 51, increasing the cost of the educational department to \$54.75 per pupil.

Comparing this with the cost of instruction alone in the common schools of New York City which is \$38 per pupil with 60 pupils to each teacher, we find that, if only 20 pupils were assigned to each teacher as by right there should be in order to secure the requisite amount of efficiency even for hearing pupils, whom nature helps so much that they do not require teachers of such experience and special training as do the deaf and dumb, the cost of instruction of hearing children in the common schools would be \$114 per pupil, as against \$54.75 for the deaf and dumb, which as it is, is but \$16.75 more. This per capita should form a basic amount in estimating the cost of maintaining the Institution and should be considered as the minimum. In fact, as will presently be shown, it ought to be increased during the coming year to amount to \$60 per pupil by the employment of additional teachers for a specific purpose, the necessity of which will presently be shown. This should be added to the cost of simple maintenance as respects the food, care and comfort of the pupils, and should not be lost sight of in comparing the cost of an institution whose di-

rect object is the education of a class of persons with whom ordinary appliances would fail, with the cost of one whose object is simple care and maintenance, or in which the feature referred to occupies but a subordinate position. In fact, but for the peculiar education imparted in this Institution, there would be no reason for its existence.

There would also need to be added a certain amount per capita for the training of the pupils in the mechanic arts, by the exercise of which they are fitted to earn their own livelihood after they leave us, but for the fact that the products of their labor, only partially skilled though it be, have hitherto been found sufficient to pay the cost of the instruction given and of the materials used in this department.

The question has been mooted, whether quality has not been somewhat sacrificed to quantity in this regard, and whether the industrial training would not inure to the benefit of the pupils in a higher degree, if less effort were made to make the shops meet their own expenses, and and greater pains were taken to give instruction in lines involving greater outlay and no immediate pecuniary compensation.

In these days of retrenchment, however, it is probable that the practical consideration of this question will necessarily be postponed till that hoped for day when the Institution shall find itself possessed of an endowment sufficient to enable its Directors to do not only what they must, but what they would.

The work performed by the teachers has continued in the direction which the experience of years has proved to be not only philosophical in principle, but practical in result. The difficulty which has met them at the outset is not that their pupils are without speech, but that they are without hearing. It is the isolation produced by deafness, isolation from the hopes, joys, sorrows, ideas, principles, knowledge and responsibility, which characterize humanity in general, that gives rise to the problem to be solved. It is not the want of the power of expression, but of the faculty of reception—that creates the difficulties to be overcome. The uneducated deaf-mute is without language, not only or principally in the sense that he cannot speak or write, but that there is no form of spoken or written language that he can understand.

Take an educated person who has retained his hearing and speech till he has reached adult years. Deprive him of the use of speech; he yet finds in hearing a means of knowing what others say to him, and in writing, a ready method of communicating his thoughts to others. Then paralyze his hand so that he cannot write; still eye and ear go together to take in the significance of what is done and said, and books are a resource of which he will seldom tire. Go a step further and extinguish his sight; you have not yet excluded him

from the world around. He continues to hear what is said to him and his face lights up with the smile of appreciation or is clouded with the frown of dissent, and to questions he replies by the nod of affirmation, the head shake of negation or the shrug of indecision. He responds, moreover, to the pressure of friendship's hand and to the endearment of affection's kiss. Cause the sensation of feeling to disappear, and you have not isolated him from his kind, for the melody of the voices of man and nature is still appreciated, and the words of love still charm his ear. After you have done all this, destroy his hearing—you have left him nothing but memory and hope—memory of past joys, hope in the future beyond the grave. Taste and smell he may possibly still have in common with the lower order of animals, and the language of perfumes may suggest the presence of persons with whom memory associates them, and the arrival of seasons to which they are peculiar, while taste may remind him that only loving hands could have furnished and prepared the food which keeps him in a world peopled only by his imagination. Practically, when his hearing was lost, all was lost.

Into a condition like this, the person congenitally deaf is born. His vocal organs exist, but he has no knowledge of their use. His hand is at his service, but the expression of thought is beyond his power, for, of thought, in the true sense of the term, there is none to express. His eye sees, but not through the light of intelligence. His nerves are all alive to the sensation of feeling, but there is no magic to the touch which acts upon them. Intellectually, he is dumb, helpless, blind, stolid. He has not even memory or hope. Taste and smell and instinct are, with him, the strongest faculties, as they are with the lower animals whose condition he shares; and all this because he is deaf. Give him hearing, and his tongue moves in speech, his hand obtains its cunning, his eye perception, and his nerves emotion. It is to such a being as this that the teacher is to supply not hearing, for that is beyond human skill, but its equivalent.

Obviously another avenue to the mind must be opened. In the majority of instances, this will naturally lead through sight, though there are some who, blind as well as deaf, can be reached through touch alone. As the prime object is to bring the deaf child into relations, not to other deaf persons, but to the hearing world around him, he must be taught the language of his country, a language which, if it have an alphabetic form, can address itself, through this, directly to his eye.

In this Institution, the first step taken is to enable the pupil to associate an object directly with its name, so that when he sees the name, he will at once recall the object, and when he sees the object, he will

have the ability to mentally repeat its name. That the eye may, as soon as possible, become familiar with all the letters of the alphabet, twelve inanimate objects are selected, whose names, taken together, shall embrace all these letters. These objects are then brought before the class of beginners, and their names displayed in written form upon the wall tablet in front of them. It would do just as well, in private instruction, to have their names written upon separate pieces of paper and placed upon the desk or table.

A little point, apparently unimportant, but really very important, is here to be mentioned. Each name is preceded by the definite article *the*, as *the* key, *the* hat, *the* box, etc. By its introduction, the pupil learns to understand once for all, that, when it is used in connection with a noun, no other object than the one designated by that particular phrase, is referred to. Afterward, he learns the indefinite article *a* or *an* as a simple numeral, which it undoubtedly is.

As in nature, perception precedes analysis, the whole, in general, appealing to the eye before its parts are subjected to review, so the teacher first trains his pupils to point to the respective objects when he points to the names, and, reversing the process, to point to the names when he points to the objects. It is not long before, under every arrangement of the names that can be effected by transposition, every pupil will have observed general characteristics in each word sufficient to enable him to select it as the representative of its corresponding object, and *vice versa*.

The next step in the process is to analyze the words, and the pupil is taught to make the letter of the manual alphabet which corresponds to each letter in the word. In this way, he soon learns all the words so thoroughly, that, when the teacher spells any word with his fingers, the pupil will bring the object which it names, and when the teacher shows the object, the pupil will spell the word. He will, moreover, be able to pick out, from the list of words, any letter designated by the manual alphabet.

The third step is for the pupil to learn to write the words. By this time he will have observed these written forms so often that they must have produced a strong impression upon his mind, so as to make the transition from objective to subjective action comparatively easy. Some teachers would prefer that the manual alphabet should be dispensed with altogether as a superfluity, and that all communications to and from the pupil should be made in writing.

I am convinced, however, that there should be some intermediary between the written form and the mind of the child, the surface, so to speak, being too smooth for memory to gain a foothold. With the hearing child, this intermediary is the spoken word, pronounced either

physically or mentally—generally both. With the deaf child it is the combination formed of letters made by the hand, and thus appropriated into his constitution. Even if this were not true, one thing is certain, that the more forms a person has for his thought, the more certain can he be that it will find in some one of them an appropriate expression. Among hearing persons, the reputation of an orator who could not write, or of a writer who could not speak, would be discounted to such an extent as materially to lessen him in public estimation, and in scholarship it has been found true, that, other things being equal, that man has the most learning that knows the greatest number of languages, for every language is so constituted that there are some thoughts that find their appropriate expressions in it and in no other; and that man comes nearest to truth who, as speaker, writer, actor, poet, painter and musician, can interpret her phases, and so stand her prophet. It is, therefore, a mere empiric and not a philosopher who suggests that allotropic forms of a language should be avoided, and that the child, whether deaf or hearing, should be confined to as few as possible.

When the pupil can write the basic words to which allusion has been made, he can, so far as mechanical effort goes, write any words. Now has come the time for the introduction of the sentence, which signifies that one thing is asserted of another. The teacher writes such a direction as, "Touch the hat," using two of the words already learned. Although the pupil does not know the word *touch*, he is moved, almost by intuition, to obey the direction. A very little help from the teacher, certainly, accomplishes the object. The direction obeyed, the teacher asks, "What did you do?" There is no difficulty in the teacher's training him to write, "I touched the hat." After this exercise has been repeated with each of the words learned, the transition is easy to questions requiring, in the reply, the use of the second and third persons of the singular, and of the three persons of the plural. It is now seen why the names of inanimate objects are selected for the first words learned. It is natural that they should follow the verb in the objective case, while the personal pronouns, representing as they do, living, intelligent agents, as naturally precede the verb in the nominative case. Other verbs naturally follow, and the numerals, up to one hundred, which necessarily come into the discourse, and adjectives, such as those of color, form and size, and the noun in the possessive case used as an adjective, form phrases with nouns indicating concrete entities, which become, in their turn, the object of the verb. At last a point is reached when the personal pronouns come to be used in the objective case. The agent becomes the object, and this leads the way to a form of sentence which our

former allies, the French, if no others, must recognize as important, the reflexives. Here begins the gradual evolution of the abstract from the concrete. "He struck himself," and, "A thought struck him," are not so very far apart. Up to this point, the only tense used has been the past imperfect, the only mood, the indicative, and the only verbs, those of a transitive character, requiring an object to complete the sense; but the idea of logical order in the sentence, and of the modification of nouns and pronouns by case, number and person, and of their limitation by adjective words and phrases, has been firmly impressed upon the pupil's mind. He has thus been learning grammar without knowing it.

The verb of simple assertion, *to be*, is now introduced, and also the verb of possession, *to have*, and by their use, the idea of the general or imperfect present tense is brought out, and a further development of the idea of the abstract.

The demonstrative and the relative pronouns are also taught by this simple inductive method, and complete the mastery of a class of words, which, unless properly taught, are perpetually involving the deaf-mute in inextricable difficulties—viz., the differences between the personal, interrogative, adjective, reflexive and relative pronouns.

A simple dialogue, such as occurs in one of the lessons given, will serve as an illustration of the way in which one principle is almost imperceptibly deduced from another. After the direction, "Touch the red book," has been given and obeyed, the conversation proceeds as follows:

Teacher.—What did you do?

Pupil.—I touched the red book.

Teacher.—Did you touch the green book?

Pupil.—No, sir.

Teacher.—Did you touch the red book?

Pupil.—Yes, sir.

Teacher.—Which book did you touch?

Pupil.—I touched the red one.

Teacher.—Is the book which you touched red?

Pupil.—Yes, sir; the book which I touched is red.

Teacher.—What is the color of the book which you touched?

Pupil.—The color of the book which I touched is red.

Teacher.—What color has the book which you touched?

Pupil.—It has a red color.

In this way, by questions and answers in presence of objects and in connection with actions and special circumstances, all the principles of construction are gradually unfolded. Each new point is introduced by a direction, the method of obeying which can easily be exhibited to

the pupil, or by a question, the significance of which is easily evolved from the connection, or from the answer. The result is, that the pupils learn to translate from mental pictures into the ordinary forms of the English language, and to attach words directly to ideas, a process usually, but, to my mind, incorrectly, called thinking in language.

As has already been suggested, the only intermediary required to be used is the manual alphabet, but that this or something to supply its place is necessary is unquestionable, as, without it, the operation of committing to memory would be extremely difficult. Every hearing child, silently reading or memorizing, mentally transforms each written or printed word into one which represents corresponding sounds to his mental ear. Otherwise he would be obliged to carry in his mind a vision of words composed of separate letters, arranged not on principles which appeal to the eye, but on those which appeal to the ear. The effect of picture does not exist; that of sound does. With the deaf, to carry in the mind the forms of written words as seen, would be a task far transcending the powers of the ordinary intellect. By means of the manual alphabet, either actually or mentally applied, the pupil makes the word part of himself, not a dim reflection upon the mirror of memory, of the printed page.

In this Institution, there are, however, in practical use, two other intermediaries, but little used, indeed, in the earlier part of the course of instruction which develops the idea of language and the principles upon which it is founded, but regarded as very important, in the subsequent rapid introduction of the pupil to the meaning of terms and to the general grasp of a given thought. These are

I. Short, significant, distinctive gestures for individual words, associated always with those words and with no others. By means of such gestures, or word-signs, as they may properly be called, the teacher is able to dictate a passage or sentence in such a way, that when the deaf-mute supplies the appropriate word to each sign, he reproduces each sentence in the exact phraseology in which it existed in the mind of the teacher, and, on the other hand, the pupil, when reading, will mentally make, or rather see, a sign for each word, just as the hearing child mentally hears its pronunciation. Given a knowledge of the carrying power of the sentence, all that is necessary for comprehension of each sentence, is for the pupil to understand the meaning of the words and phrases composing it. In this way, books using the forms of construction already learned, can be introduced to the pupil much earlier than would be possible if the meaning of each new word had to be learned through the slow method of intuition or through explanation by other words. The vocabulary of the pupil is thus largely increased, and his information on different subjects rapidly advanced.

II. Ideographic, or natural signs, which always spring up when two or more deaf-mutes are brought into association with each other, and which no amount of care on the part of any teacher can prevent their using.

These are employed, so far as instruction in language is concerned, not by the teacher, but by the pupil. Representing, as they do, the picture formed in the mind of the pupil, by what he reads or by what he sees, they are the best possible representation of his thought. If he is able, by their means, to express graphically and clearly the exact idea embodied in a given sentence, it is the most convincing proof that he comprehends it fully.

By their use, daily lectures of one hour each are given to one division of the pupils, by different teachers, on the following subjects :—

On Sunday—Morals and Religion, so far as these can be taught without giving a sectarian bias.

On Monday—Geography.

On Tuesday—Government, with special reference to their duties as citizens of the State of New York and of the United States.

On Wednesday—Physics.

On Thursday—Vegetable Physiology and Botany.

On Friday—History.

On Saturday—Natural History and Animal Physiology.

These lectures are illustrated by diagrams, pictures, maps, globes, models and philosophical apparatus. Their sole object is to give ideas, not connected language. This course of lectures was inaugurated with your approval, and by your direction, during the year embraced by this report. The result will be, that the pupil who has passed through the whole period of time allotted by law for State pupils, will have an amount of information, and of intelligence, which will be of the greatest value to him in after life.

By these signs, the pupils are, moreover, encouraged to exercise themselves in debate on various subjects, at the meetings of their literary society, which are held every two weeks, on Saturday evenings. With us, both the classes of signs to which allusion has been made, are not left, as in those schools, where their use is invariably discouraged, but never in fact prevented, to crude development at the hands of uneducated minds. On the contrary, the principles underlying each are carefully studied, and their application as carefully taught. The word-signs are never arbitrary, but have a fixed foundation in nature, and the order of ideographic signs is so arranged that the combination presents a pantomimic scene so striking that, given the clue, even the uninitiated eye cannot fail to recognize it. From what has been said, it will be perceived that in teaching principles of construction, signs are

never used, that in enlarging the pupils' vocabulary, word-signs are most profitably employed, and that in imparting ideas and in appealing to the heart and to the higher principles of action, resort is constantly had to ideographic signs.

The studies pursued during the year have been fully detailed in the report of the Committee on the Annual Examination, and for an account of these, as well as for an impartial estimate of the attainments made by the members of the several classes, I would respectfully refer you to the very valuable report already submitted to you by that Committee.

There is still another intermediary which we use with selected pupils,—viz., Articulation, or artificial speech. With one of our pupils, Charles McCormick, it is the only one to which we can have recourse, as he has no hands, and consequently can not use the manual alphabet and cannot make signs with anything like the exactness which characterizes the more fortunate deaf. His progress is slow compared with that of others, but he is gradually coming to a knowledge of language, and can pronounce audibly any word written in the visible speech symbols of Prof. Bell, and can read on the lips all the words and phrases with which he is familiar. He is profoundly deaf, and had no speech or knowledge of language when he entered the Institution in September, 1876, at the age of 13. With an instrument which he is able to hold firmly in the elbow joint of his right arm, he is able to depress the keys of a type writer, by means of which he can print out his lessons and original communications.

There are yet other pupils, who, not from necessity, as in the case just mentioned, but for a reason which will presently appear, are allowed no intermediary except vocalization, between written language and the mind; signs and the manual alphabet being banished from the class-room. They are called semi-mutes—a technical term applied to those of our pupils who, previous to their admission, had been long enough in the possession of hearing to enable them to speak the simple phrases and sentences of childhood, and who, at the time of their admission, retained this ability to a greater or less extent. These are placed in classes by themselves, and subjected to a thorough drill in the principles of phonetics and lip-reading, but for which, their vocal utterance, unguided by the ear, would become harsh and unintelligible, and, in many instances would be entirely lost. The language which they know is made a stepping stone to what they do not know, till in time they become able to speak and write with a correctness and often with an elegance which places them absolutely on a par with hearing persons of the same ability, who have had the advantage of a good education, while their comprehension of

books is as clear and perfect, and their interest in them is often far more absorbing. In all these respects, they are guided by a mental ear, which is the product partly of memory and partly of imagination. In this case, of course, memory attaches itself only to those words which they knew before they became deaf, and not to those which they learned afterward. But even here, its office is not altogether exhausted, for it constantly recalls the sound of the syllables which go to make up the added words, and so imagination finds it an easy task to blend the new with the old in such a way as to make the difference indistinguishable to the mind. It is to preserve and stimulate this power that, while they are with their teacher and are practising the exercises to which he subjects them, they are taught to rely on speech for their own utterance independently of writing, and on labiology for receiving his unwritten communications.

An additional purpose has, of course, been kept in view, that of enabling them to hold freer intercourse, when they leave school, with the great hearing and speaking world than would otherwise be possible. Out of the classroom, during the hours when they associate with the other pupils, they use signs and the manual alphabet freely without let or hindrance. Indeed, it were cruel to debar the deaf, when among themselves, from the great happiness of communicating freely by those methods, which are at once spontaneous and natural, and which are the only ones, in the exercise of which, they, in their social moments, absolutely forget their great misfortune. Nor is this found, in practice, to be injurious, for the strained mind here finds relaxation, and by the use of a variety of means of communication, strength.

The number of pupils, thus specially taught by articulation and lip-reading during the past year, has been 46, in three classes—two taught by Prof. Currier and one by Prof. Jenkins.

There are 84 other pupils who have been taught the elementary principles of articulation and labiology, by Miss Meigs and Mrs. Clarke;—Miss Meigs spending a portion of each day in teaching the members of her own two classes in this specialty, and Mrs. Clarke taking selected pupils, at stated times each day, from other classes. The object, in these cases, has not been to increase knowledge of language, but to give an additional means of expression, one which will unquestionably be of some use to them when they come to mingle with hearing persons. The principle of selection has been to take pupils—not semi-mutes—who have great quickness of perception, or who have such a remnant of hearing as will enable them to catch the vowel sounds. The method of teaching employed has been what may properly be denominated the syllabic, and owes its origin to my own studies in this direction. The consonants are all taught, not separately, but in con-

nection with a selected vowel, and are made to depend on this for their utterance, both as initials or terminals or both. For instance, the long sound of *a* being selected, the lip-formed consonants *p*, *b*, *m*, *f*, *v*, and *wh* and *w*, are taught in syllables, having such English equivalents as the following :

pay, bay, may, fay, vay, whey, way.
ape, abe, aim, afe, ave.
pape, pabe, pame, pafe, pave.
bape, babe, bame, bafe, have.
mape, mabe, maim, mafe, mave.
fape, fabe, fame, fafe fave.
vape, vabe, vame, vafe, vave.
whape, whabe, whame, whafe, whave.
waape, wabe, wame, waif, wave.

The other classes of consonants come next, and by permutation with the vowels mentioned, form every conceivable syllable into which it enters. The visible speech symbols of Professor Bell are at first employed, and the pupil is afterward taught to translate them into their written equivalents. In practice, the teacher first utters a syllable—the pupil reads it on the lips, and having written it on his slate in symbols, pronounces it.

One set of syllables being thus absolutely learned, a second vowel sound is selected, and by permutations with the consonants, the various syllables capable of being formed with it become familiar. As vowel after vowel is thus practiced, the pupil when reading the lips, finds his attention called not so much to the consonants as to the vowels—the former being so familiar that he recognizes them at once.

The great advantage of this system of teaching articulation, is that it secures a smoothness of utterance rarely found in the articulating deaf, and a facility in lip reading which is very different from the ordinary guess work found in articulating schools.

Being systematic, thorough and exhaustive, it leaves nothing to the imagination or connection, but rests absolutely upon a perfected knowledge of the syllable which is the *unit* in the composition of the word, and the result to be expected is that *in time* it will give to the congenital deaf-mute that clearness of utterance, and ability to *see* what is said to him by the lips of others, which will make *these accomplishments* of some value in his intercourse with others, instead of the very imperfect approximation which, in very many cases, they have hitherto been found to be. While he is pursuing this course, the very worst thing that can happen to him is to make his knowledge of language dependent upon the rapidity of his progress in articulation

—and the very best is to teach him language and articulation separately and afterward *combine* them together.

The pupils have had one other benefit conferred upon them in connection with their school-life, which is likely to enter largely into their future success in life. Instruction in drawing or painting or both has been given to 384 of their number, and a large proportion of them have derived from it a pleasure which is itself a resource, while there is a probability that though they may not pursue art as a vocation, most of them will be able to apply their acquired talent in this direction, to the arts which they will follow in after life. Their aesthetic taste has been cultivated, and with it has been acquired an added refinement of thought and feeling.

To our pupils, whose chief pleasure is necessarily derived through the eye, the semi-weekly exhibitions of the Stereopticon, by Professors Clarke and Carrier, have been a constant source of recreation and information. The splendid achievements of architecture which abound in the old world, and the statuary which is its pride, have become familiar to them through this instrumentality, while there is not a land on the face of the globe whose natural scenery has not been reproduced for their enjoyment, and they cannot fail to be grateful to the intelligent Board of Directors, which has sought, in this as in other ways, to promote their current enjoyment of life, while laying the foundation for their future happiness and success.

During the year, we have had the misfortune to lose two teachers of great experience and value. One was Professor Jacob Van Nostrand, who had had an experience of 41 years as an instructor of the deaf and dumb, the first 19 and the last 3 of which were spent in connection with this Institution, and the remaining 19 years as Superintendent of the State Institution in Texas, and who departed this life on the 29th of November, 1879, greatly honored and deeply mourned by all who knew his remarkable ability and his singular worth. His place was supplied by the promotion of the several teachers just below him in standing, and by the appointment, for the two youngest classes, of Miss Maria Toles and of Miss Myra L. Barrager, the latter of whom spends half of her time in teaching a class, and the other half in pursuing her studies as an advanced student in the Institution. The other was Miss Bessie V. Fitzhugh, who had been for 3 years teacher of the class of blind-deaf-mutes, with a previous experience of 3 years with seeing deaf-mutes, and considering the great difficulties of her work, had met with a degree of success, which caused her to be held in very high esteem. She retired on the first of February last, for the purpose of recruiting her health, which was not equal to the strain imposed upon it by her earnest labors.

The class, consisting of 3 totally blind deaf-mutes, was afterward increased by the addition of two partially blind pupils and temporarily put in the hands of Mr. W. B. Peet, assisted by Mr. Chester Q. Mann. Since the opening of the term in September, Mr. Mann has taught both divisions of the class, Miss Fitzhugh having concluded not to resume her labors, as at one time there was reason to hope that she would. A deaf-mute himself, and educated at the Institution, and thus understanding the idiosyncracies of these pupils, growing out of their deafness, he has also shown an aptitude for meeting the difficulties, growing out of their blindness, which gives the best augury of success. He combines, in a remarkable degree, strength and gentleness, earnestness and equanimity.

The pupils under his care are making extraordinary progress. James H. Caton, now 18, though a congenital deaf-mute, blind since the age of 12, is beginning to use the English language with the same idiomatic ease and correctness as he would if he could hear and speak, while Richard T. Clinton, perfectly blind, who came to us in September, 1877, with no knowledge whatever of language, either written or spoken, is pursuing precisely the same course, and with equal steps, that his seeing schoolfellows do. Martha E. Morehouse, totally blind, could speak when she came to us, in September, 1879, having heard up to the age of 8, and her speech is still retained with remarkable distinctness. She could neither read nor write, but now can do both.

The other 4, who are but partially blind, are also making excellent progress. The type-writer is used with all three of the totally blind. A very superior instrument of this kind was purchased and presented to Caton, after the public exhibition in the Broadway Tabernacle, in May last, on which occasion, a sufficient fund for the purpose was contributed by a number of gentlemen and ladies, who then became interested in his remarkable attainments.

The teachers and pupils have, in common with yourselves, been called upon to mourn the death of one, who, though not directly participating in the instruction of the deaf and dumb, had contributed greatly to the success of the Institution by his wise counsels, his timely encouragement, his lively sympathy, and his holy example. I allude to the late Rev. Dr. Adams, for 39 years a member of the Board of Directors, and for the last nine years its President. The intelligence of his death, which occurred in August last, caused the shadow of a great sorrow to rest upon our household in the early days of our re-opened term.

Since the date of my last annual report, I have had the opportunity, through your authorization and direction, of attending two remarkable gatherings of men and women eminent as instructors of the deaf, viz :

"The Fourth Conference of Principals of American Institutions for the Deaf and Dumb," which was held at Northampton, Massachusetts, on the 25th of May, and continued for four days, and

"The Second International Congress for the Amelioration of the Condition of Deaf-Mutes," which was convened at Milan, Italy, on the 6th of September, and continued till the 11th.

A noticeable circumstance connected with each, was that the attention of the members was especially directed to the operation of representative schools, in which articulation and lip-reading are the principal instruments of instruction.

The Conference at Northampton was held in the large hall of the Clarke Institution for the Deaf and Dumb, and its members were entertained at the expense of the Institution, some within its own hospitable walls, and others at a hotel immediately adjoining. Every thing about the establishment was fascinating. It was a "House Beautiful," situated on a hill, commanding an enchanting prospect, and conducted entirely by ladies of refinement, culture, and extraordinary zeal in the work to which they had devoted their lives. All the appointments of the two buildings in which the pupils were lodged and in which they took their meals, were of a nature to promote their comfort and to inspire them with self-respect. To most of the bedrooms was assigned but a single pupil each. Some, however, were occupied by two, and a few by four, never more. They were scrupulously neat and very nicely furnished.

The principal, Miss Harriet B. Rogers, and a portion of the teachers, took their meals with some of the pupils in one of these buildings, and the remainder of the teachers with the remaining pupils in the other.

The teachers did not sit by themselves, but with their pupils, and partook in all cases of exactly the same fare. The boys and girls were not separated, either at the table or in the class-room. The entire number of teachers, exclusive of the Principal, was 12, and of pupils 90, about equally divided between the sexes. In one of these buildings were rooms devoted to instruction, and there was an additional building in which were other school-rooms, besides a library and a large hall for public meetings. There was also a large building for a shop, another for a hospital, and another for a laundry, making six buildings in all, tastefully arranged in a plot of 14 acres. In the classes there were 6 to 10 pupils to one teacher. From one to two hours every day, was devoted by the members of the Conference to the examination of the classes. The classes of the first two years, received their instruction in written language and in articulation separately, the Principal wisely considering that articulation should not be employed as an instrument until some facility in its use had been

obtained. Signs and articulation were in no case employed after the 2d year, all instruction being given by speech, the pupils being accustomed to read from the teacher's lips, and to answer questions *viva voce*. Much time, however, was given to practice in written compositions. Religious exercises were held daily in the two buildings separately, at which a text of Scripture was daily explained by simple phraseology, in which comparsion was abundantly used, and a prayer was repeated by all the pupils speaking in concert.

The lessons committed to memory were especially prepared for them by their teachers, and were in manuscript.

As far as they went, they were thorough, and the language they used was very simple, but quite correct.

In few cases were their voices disagreeable or unintelligible, and their lip-reading was in general quite satisfactory when confined to words with which they were familiar and to subjects in which they had been exercised. This was due in a great measure to the fact that they have daily exercise in phonetic drill under a most accomplished teacher.

The semi-mutes and the semi-deaf were easily distinguished from the toto-congenital, and there was perfect fairness in the statements of the teachers in regard to each, but there seemed to me an unusually large proportion of these cases. The pupils seemed gentle in disposition, docile and orderly. The impression made upon the members of the Convention was in the highest degree favorable. All that skill, patience and devotion could do had been done, and it is doubtful whether there is any Institution in the world devoted to articulation which has met with greater success, and yet I am of the opinion that in the Clarke Institution it is impossible to hold with the toto-congenitally deaf, a conversation as free, easy, rapid and generally satisfactory, by speech and lip-reading, as could be done with the same pupils by writing, certainly not with pupils the same length of time under instruction in our own Institution. In this, as in all other articulating schools, there is, in my view, much sacrificed to the desire to enable the pupils to take what must after all be a very limited part in social intercourse with hearing persons. They may be accurate as far as they go, but there is not that spirit and freedom of mental action which is to be found among those who are not hampered by a restraint upon nature constantly and unremittingly imposed.

The Conference was fortunate in the choice of its presiding officer, Rev. Thomas Gallaudet, D.D., a member of your own body, whose genial presence and timely words exercised a happy influence upon the proceedings.

The discussions were in no case controversial—but seemed to partake more of the spirit of an inquiry after truth. Among the subjects

considered, were the combined method, as distinguished from the exclusive methods, as respects signs and articulation; the relation of the National College for Deaf-Mutes to the state and private institutions; the paramount importance of primary education; the natural method, as applied to the instruction of young children; visible speech; the advantages to the deaf derivable from the study of the fine arts; the advisability of a special preparation of charts and pictures for use in institutions; instruments to alleviate deafness; lithography as a source of employment; cooking as a branch of instruction in connection with our institutions; and the best method of securing to adult deaf-mutes the advantage of the Boston Society for the encouragement of study at home.

The subject which occupied the greatest amount of time, and which was considered most carefully in all its aspects, was the method which combines the use of signs and articulation in the same institution, and the arguments on each side were presented with great force and clearness. The Hon. Frank B. Sanborn, President of the Board of Directors of the Clarke Institution, especially distinguished himself by the vigor and cogency of the remarks in which he set forth the advantages of teaching by articulation to the exclusion of signs.

The proceedings of the Conference have been reported very fully in the October number of the *American Annals of the Deaf and Dumb*, to which I would respectfully invite your attention.

The Congress at Milan was, as might be supposed, a much larger body—being composed of representatives from England, France, Italy, Norway and Sweden, and last, but not least, the United States of America and the province of Quebec, numbering in all some two hundred and fifty.

It had been arranged for by two Committees, one general, having its headquarters in Paris, and the other, local, having its seat at Milan. Both bodies were composed of men of much learning and great acumen. The Milan Committee embraced some of the most eminent citizens of that charming city, who procured from the local government the use of the palace of the Royal Technical Institute, where a splendid Hall with antechamber and *salons* adjoining, was placed at their disposal, and also an appropriation sufficient to cover all the general expenses of the Congress, including the current printing necessary and the printing of the proceedings. The general committee, under the Presidency of Prof. Leon Vaisse, the venerable and distinguished Emeritus-Principal (*directeur honoraire*) of the National Institution for the Deaf and Dumb, in Paris, had prepared a list of 26 questions—3 with respect to buildings, 18 with respect to conditions and methods, and 5 having a special bearing upon various points not included in the preceding.

The opening session of the Congress was presided over by M. Basile, the Prefect of Milan, having at his right Count Julius Belenzaghi, Mayor of Milan, and Doctor Zucchi, representative of the Minister of Public Instruction : at his left sat Cesar Correnti, formerly Minister of Public Instruction, and Mr. Leon Vaïsse.

In behalf of the government, Dr. Zucchi, in an eloquent and affecting discourse, welcomed the Congress to Italy, and thanked its members for coming together to consider the best means of benefiting the deaf and dumb. In the course of his remarks, he stated that there were 15,000 deaf-mutes in Italy, of whom about 2,100 were of school age, and 36 schools with 1,500 pupils—leaving some 600 without education, with reference to whom, asked the orator, “How do they live?” “How do they die?” He closed with the hope that the government would hereafter make ample provision for the neglected ones.

He was followed by the Mayor of Milan, who, after welcoming the members to Milan, paid a touching tribute to the late Count Paul Taverna, one of the founders of the Institution for the indigent deaf-mutes of the Province, and to the late Count Alexander Porro, recently President of the Royal Institution, who had been an ardent promoter of the instruction of the deaf throughout Italy.

He was followed by responsive remarks, of peculiarly appropriateness, from Mr. Leon Vaïsse and Mr. Augustus Houdin, of France.

The permanent officers of the Congress were then chosen as follows :

President, Abbé Tarra, Rector of the Institution for the Indigent Deaf-Mutes of the Province, and General Secretary, Pascal Fornari, professor in the Royal Institution in Milan, and author of many excellent school books for hearing children. Then to each of the four principal languages represented in the Congress, the French, German, Italian, and English, was awarded a Vice-President and Vice-Secretary, to wit : Messrs. Houdin, Treibel, Marcheo and Peet, and the Abbe Guerin, and Messrs. Hugentoller, Lazzeri and Kinzey. These gentlemen were considered as representing, in an especial manner, four sections of the Congress, and the minutes of each day were therefore read by the several secretaries in their respective tongues. The official language of the Congress was Italian, but the discussions were mainly conducted in the French language. For the benefit of some of the English speakers, Mr. Vaïsse kindly acted as interpreter which he did in a way to give full force to their remarks.

The Congress organized, telegrams were sent to their majesties the King and Queen of Italy, and to the Italian Minister of Public Instruction, and to the French Minister of the Interior, and, in the course of the proceedings, replies were duly received. It is a remarkable fact that the government of France had taken so much interest in the

proceedings as to send, as special representative, a learned and distinguished member of the Institute and professor in the College of France—Dr. Adolph Franck, who took a great interest in the proceedings, and entered into the discussions with great spirit.

The members from Italy were in point of numbers far in the ascendancy, but France was also numerously represented. The sentiments of these countries may, therefore, be considered as having been especially represented in the Congress. Ten years ago, and there was not in Italy a believer in articulation—and in France there was but a forlorn hope. Now all is changed, and with the exception of the exception of the Venerable Bosselli, the companion and successor of Assarotti, the renowned Rector of the Institution established for the deaf-mutes in Genoa, by Napoleon Bonaparte, in 1805—the views of the Abbe de l'Epée have lost their preponderance in Italy—while in France, the government has at least apparently yielded to the impressions made by the numerous private schools, and is about to change front. Holland, Norway and Sweden, alone on the continent of Europe, maintain the firm attitude of the past, while England, which has for years taken the same ground with America, shows few signs of yielding to the strong efforts which are made by a society especially established to introduce “the German System,” which society had at the Congress four representatives against one of the established system—Richard Elliott, principal of the great and venerable London school—*unum, sed leonem*. There were two representatives of private establishments, Rev. Thomas B. Arnold, and Rev. E. M. A. Stainer—who represented opposite sides.

The sentiments of the Congress may be inferred from the conclusions formulated in the following resolutions, which were passed by a great majority.

I.

The Congress, in consideration of the incontestible superiority of speech over signs for restoring the deaf-mute to society and giving him a more perfect knowledge of language, declares that the oral method should be preferred to that of gestures for the education and instruction of the deaf and dumb.

II.

The Congress, in consideration of the fact, that the simultaneous use of speech and of signs has the disadvantage of being injurious to speech, to reading on the lips and to precision of ideas; declares that the pure oral method ought to have the preference.

III.

The Congress, in view of the fact that a great number of deaf-mutes do not receive the benefit of instruction, and that this situation is the

result of the limited resources of families, and establishments ; recommends that governments adopt the measures necessary for providing the means of instruction for all deaf-mutes.

IV.

The Congress, being of the opinion that the instruction of the deaf who are taught to speak, by the pure oral method, ought to correspond as nearly as possible with the instruction of the hearing and speaking ; declares—

1. That the most natural and efficacious means by which the speaking deaf (mute) shall acquire a knowledge of the language of his country is the intuitive method—that is to say, that which consists in designating at first by speech, and afterwards by writing, the objects placed and actions performed before the eyes of the pupils ;

2. That, in the first period, called the *maternal*, the deaf-mute should be led to the observation of grammatical forms by means of examples and corresponding practical exercises, and that, in the second period, he should be aided to deduce from these examples grammatical principles presented with the greatest possible simplicity and clearness ;

3. That books, written in the words and forms of language already known to the pupil, can be put into his hands at all times.

V.

The Congress, in view of the need of very elementary books for promoting the gradual and progressive development of language ; recommends that teachers who employ the method of oral instruction devote themselves to the preparation and publication of special books.

VI.

The Congress, considering the results obtained by the examination of numerous deaf-mutes of every age and of every condition, who have been for a long period separated from the institutions (in which they received their education), and who when questioned on various subjects, replied with accuracy, and with a sufficient distinctness of articulation, and read on the lips of their examiners with the greatest facility ; declares—

1st, That the deaf-mutes taught by the pure oral method, do not forget, after leaving school, the knowledge which they have there acquired, but, on the contrary, increase it by conversation and reading, through which they become familiar therewith.

2nd, That in their conversation with speaking persons they use speech exclusively.

3rd, That their ability to speak and read on the lips, far from being lost, is developed by practice.

VII.

The Congress, considering that the instruction of deaf-mutes by speech involves peculiar necessities ; and considering the unanimous opinion of teachers of the deaf and dumb which grows out of their experience, declares :—

1st, That the most favorable age at which the deaf-mute can be admitted into a school is from eight to ten years.

2nd, That the period of instruction should be at least seven years, and preferably eight.

3rd, That the professor cannot successfully teach, by the pure oral method, more than ten pupils.

VIII.

The Congress, considering that the application of the pure oral method to the Institutions where it has not yet taken vigorous root, ought to be prudent, gradual, and progressive, in order to avoid all compromise ; is of opinion—

1st, That the new pupils who come to school should form a separate class, in which the instruction should be given by speech.

2nd, That these pupils should be absolutely separated from the other deaf-mutes too far advanced to be instructed by speech, and whose education should be finished by signs.

3rd, That each year a new class in speech should be established in the school, until all the old pupils taught by signs have finished their education.

The third, fourth, fifth and seventh, of these resolutions, I cordially approve. The sixth, I am not disposed to dispute further than this—that in conversation with the most advanced deaf-mutes taught by articulation in schools in Germany, England, and in this country, many of whom I have had the pleasure of meeting, I have invariably found that after the first few common places, the conversation was much more free, rapid and satisfactory, when resort was had to writing and the manual alphabet, than when it was confined to the laborious processes of speech and the uncertainties of lip-reading. The fact that deaf-mutes should speak at all, is to most persons a great wonder. That some degree of speech on their part is of value under certain circumstances, and especially in communication with illiterate hearing persons, is incontestible—but it is equally true that lip-reading does not enable them to take part in general conversation, to follow a public discourse, nor to rely with certainty on what is said to them, unless they have the opportunity of verifying it ; and for extended conversation with hearing persons, in the sense in which that word is understood among cultivated people, they must resort to writing.

The eighth resolution is logically strictly in accordance with the first and second, and cannot be objected to if these are accepted.

My objection to the 1st resolution is, that it does not express the gist of the controversy. There is no proper system of teaching the deaf the use of language which has its foundation or framework in signs. They, so far as the principal part of the work is concerned, are a mere accessory. As well say that, because a wall looks better for being covered with paper, the wall itself should be made of paper. Neither has speech, itself, anything to do with the education of the deaf in language. If it gave them a mental ear—if it were anything more to them than another class of signs to be felt and seen, not heard, and very indistinct signs at that, there would be something in it. The real question, so far as *education* is concerned, is one of *intermediaries*.

If there were no necessity for these, writing would be far preferable to either—because it is on written language that, in these days of the printing press, even hearing persons most rely for information and for knowledge of the great facts and principles brought to light by research. But, acknowledging the necessity of these, the question recurs, which is the best—the manual alphabet for the assistance of the memory—word-signs to recall the meaning of terms, and ideographic signs to serve as an ultimate test of comprehension, not as an instrument of instruction in the use of language, on the one hand; and an imperfect speech on the part of the pupil, requiring years for bringing it to anything like perfection, in the use of which the pupil has always to make a special effort likely to distract his mind from the main point sought, combined with a comparatively obscure set of motions made by the lips of the teacher, requiring the most undivided attention on the part of the pupil to discern them; on the other. Whether the manual alphabet and even signs be used, within the limits I have already laid down, or whether speech and lip-reading be used, the *true* system of teaching the deaf and dumb is the same, and the schools of Italy and the schools of this country must pursue practically the same course without regard to either signs or speech, in order to teach the pupil to comprehend and to use the language of his country.

The second resolution is, to my mind, somewhat ambiguous. In the sense that the use of speech and signs at the same moment to express a given idea has an unfavorable effect in the development of speech, lip-reading and precision of thought, it would receive my cordial assent, though I should not admit the relevancy of the conclusion that the pure oral method should always be adopted and that signs should never be.

If, however, it means that the use of speech and of signs *at different times* by the same teacher or by the same pupil, has an unfavorable ef-

fect upon speech, and therefore signs should be avoided by those who would give the preference to the articulation method, I should take issue, not with the conclusion, but with the premise. The opinion already expressed in this report, that signs, under certain limitations, and especially the manual alphabet, form a very useful intermediary in the acquisition of language, that articulation should not be used as an intermediary till it has been exhaustively taught, and that, meanwhile, the study of language and of articulation should go on separately, each for its own sake, and be combined subsequently, make it impossible for me to give my adherence to the assertion contained therein.

The concluding ceremonies of the Congress took place on Saturday afternoon, September 11th, and addresses, delightful in spirit and eloquent in expression, were made by representatives of the different nations. The Rev. Dr. Thomas Gallaudet, with whom, as well as with the Rev. Dr. Charles A. Stoddard—members of your body—I had the honor to be associated in the delegation accredited from this Institution, responded in behalf of America in a way creditable alike to himself, to his country, and to the Institution which he represented.

During my stay in Milan, I had the opportunity of seeing four exhibitions of the schools there. One private, in which I was accompanied by Prof. Vaïsse, and three, public. The Institution for the indigent deaf of the province was under the care of the Abbé Tarra, who to great learning unites great intelligence and a most benevolent heart. If any man can succeed with any method, whether the best that can be devised or not, he can. The boys and girls of this Institution are in two separate establishments. The boys, 60 in number, are taught by 8 professors, in 8 separate classes, each professor in turn taking the same pupils through a course of 8 years. These are all young men of good education, pleasing manners, and very prepossessing in their personal appearance. The girls, 50 in number, are taught by 7 ladies devoted to their work. The public exhibitions of this institution were of the girls on Saturday, September 4th, and of the boys on Sunday, September 12th.

On Sunday, September 5th, was held an exhibition of the pupils of "The Royal Institution," under the care of the venerable and excellent Abbé Ghislandi. This Institution, though under royal patronage, is not intended for the children of the poor, but of the rich—and is supported by payment from the parents of its pupils. Both boys and girls reside, and are taught, in the same building, but are in separate classes, under teachers of their own sex, the number of pupils to a teacher being from 4 to 8. There are 50 inmates.

At each of these exhibitions 4 pupils wrote sentiments expressed in

the form of letters, which I should have been glad to have had them read *viva voce*—but which were read for them by their teachers. Each class was examined, *viva voce*, in what they had been over during the year. The range of studies as compared with those of our own classes, was quite limited, the most elementary points in Grammar, Arithmetic, Geography, the History of Italy, and Sacred history representing the highest.

The spoken language was apparently correct, but very simple. In speech they were not equal, but the most advanced pupils had attained a point which will enable them to communicate with the world in a simple way.

The exercises were very interesting, as are all exercises which show what can be done by skill and devotion with a class of persons, who, but for special instruction, would be cut off from all the privileges of humanity. An affecting feature of the two exhibitions of the school for the indigent was the presentation to the audience of a number of graduates, who were gaining their own support in life, and who gave by the voice a simple and touching account of their condition and prospects. No designation was made of the semi-mutes, as distinguished from the congenital, nor between those who were simply hard of hearing, and those who were totally deaf. Still, the practised ear could detect differences in pronunciation, which seemed to indicate that those who spoke the best had been in possession of hearing at some period of their lives.

A most interesting entertainment was given at the Royal Institution on Thursday evening. It consisted of the performance of two dramas by the pupils. Though the conversational parts were carried on by speech alone, the acting was of a character to show how these children delight in the language of motion.

All the accessories of this performance were dictated by an exquisite taste which had, moreover, showed itself in all the arrangements at each of the exhibitions—such as the ornamentation of the rooms, the grouping of the pupils—and their uniformity and neatness of attire.

The stage was beautifully draped, the scenery excellent, the costumes, perfect. In the interludes, the audience were treated to music—the entertainment thus forming a delightful concert. The first piece was a masterly solo on the piano by a deaf-mute young gentleman. The second, a duet between the same individual and a pupil of the Institution for the blind; the third, piano and flute by two of the blind; the fourth, a solo with the voice to the accompaniment of the harp, by a blind young lady. Other pieces followed, involving the use of different instruments.

On Monday, the 15th, I had the opportunity of visiting, with a number of the delegates, the Institution for girls, at Pavia, where we

received a distinguished reception from the Mayor and other dignitaries of that ancient city ; and on Tuesday, under the auspices of the Abbé Ballestra, one of the most enthusiastic advocates of articulation, and one of the most charming of men, we went to Como and saw an exhibition of the Female School there. The pupils of this Institution which is one of the best in Italy, appeared to advantage. After an elegant entertainment given at the principal hotel by the genial abbé, who appeared to have had a *carte blanche* from the dignitaries of the place to make the visit of the delegates as agreeable as possible, I had the great pleasure of a sail through that most exquisite of lakes, Laggio Como, in company with Dr. and Mrs. Gallaudet and their bright travelling companion, Miss Gertrude Walter, who, in her own person, by her grace of manner, her bright intelligence and her command of language, wins, wherever she goes, an acknowledgement of the value of the education she has received in the New York Institution.

I had the opportunity before going to Milan, of seeing the Institutions for the Deaf and Dumb at Liverpool and Paris—and, after leaving it, of seeing the great London Institution and the small private school of Miss Hull. It was vacation at the Paris school—but I saw the admirable bronze statue of the Abbé de l'Epee erected in 1878, by the deaf-mute sculptor, Martin, and the garden—which was a marvel in its way—being a spot not devoted to raising supplies for the house, but to illustrating all the processes and appliances of horticulture. The gardener, who is a remarkably intelligent man, took great pains to show me his methods. In a space of about an acre and a half, he instructs practically and thoroughly forty boys. In winter, during the time devoted to mechanical employment, he gives his pupils regular and thorough lessons in vegetable physiology and in the principles of his craft. He showed me his written course of lectures which he has his pupils commit to memory, and a great variety of drawings of plants and diagrams illustrating processes, all of which were the work of his pupils. The garden brings no income, but the expense incurred in the employment of an expert to teach the pupils every thing connected with this beautiful art, has its reward in the fact that every one of the pupils who are given this advantage gets remunerative employment in the country. The gardener showed me, with great pride, a number of letters he had received from his pupils, who, through his instrumentality had found good situations, and the opportunity of self-support under peculiarly agreeable conditions. They were well written, and full of gratitude and affection.

The school in Liverpool is composed of one hundred pupils, about equally divided between the sexes. Both signs and articulation are employed in this Institution, which is well and intelligently managed.

The London Institution has a branch at Margate, where it has put up elegant and spacious buildings on a plot of 9 acres. This is now being enlarged for the accommodation of the majority of the pupils. Meanwhile all the 300 pupils are at the old establishment in Old Kent Road, which I saw under Dr. Watson 29 years ago. I visited Margate in company with W. Warwick, Esq., the very able secretary of the Institution, who devotes himself to its interests in all material affairs, while the discipline and instruction of the pupils is under Mr. Richard Elliott, who combines every quality necessary to give him success—intelligence, enthusiasm, sympathetic feeling, education and special training. The pupils, both boys and girls, are all in one great room, 12 in each class, but so arranged that each teacher has perfect control over them. The pupils enter at 10 and leave at 15, when they are apprenticed by Mr. Warwick to different artisans.

The order maintained both in school and out is simply perfect. The pupils look very intelligent and are very happy. The teachers have been well selected, and I was greatly pleased with their appearance. The compositions and written exercises of the pupils were excellent, for the time they had been under instruction, though, to our American way of looking at the subject, it seems a great pity that the course should not be more extended. Some of the classes were taught Articulation, and it seemed to me that their voices were as good and their lip-reading as available as in schools where the pure oral method is used. When the pupils are transferred to Margate, the London Asylum will be used as a place of reception, and as a primary department for the pupils of the 1st year. I was much pleased with my visit, subsequently, to Miss Hull, who treated me with much courtesy and showed me quite satisfactory elementary work in articulation, which she uses as an intermediary.

In many respects, which it is not important to mention in this report, I have been greatly benefited by the opportunities I have enjoyed in this visit abroad. I return to my work with a renewed sense of its great importance—with an enlarged appreciation of the good men and women everywhere who are devoting their energies to its advancement, and with certain impressions, which, though not now formulated in words, will, it is to be hoped, unquestionably show themselves beneficially in my practice.

I cannot, however, close this report, without suggesting, not a change in our system, but its material enlargement, so far as giving the deaf the opportunity to learn to speak is concerned, and I would especially recommend that a teacher of articulation be added to each of our two families of primary pupils. These children have much time at their disposal which could be most usefully employed in training them by the

syllabic method. The opportunity would thus be given to every pupil to begin to learn articulation at the age most favorable thereto, at the same time that we could tell more positively with what cases this practice should be discontinued after they have been advanced to a higher grade.

It remains only for me to express my obligations to the Board of Directors for what I consider a signal instance of intelligent interest in the department they have intrusted to my care—the opportunity they have given me of investigation, research and comparison ; to the Rev. Dr. Stoddard for most valuable assistance and suggestion in regard to the details of my journey, and also for the great pleasure he conferred upon me by his company during the voyage out and back and at intervals on the land ; to Frederic De Peyster, LL.D., for generous, though unsolicited and unexpected, pecuniary assistance, and to Professor Frank D. Clarke, one of our most able and experienced instructors, for the admirable manner in which, during the month of September, he discharged the duties of Principal, so that on resuming my post on the 5th of October, I found nothing to criticise, every thing to commend.

Very Respectfully

Your Obedient Servant,

ISAAC LEWIS PEET,

NEW YORK INSTITUTION FOR THE INSTRUCTION
OF THE DEAF AND DUMB, *Dec. 8, 1880.*

Report of the Annual Examination.

JUNE, 1880.

SUBMITTED BY AVERY T. BROWN, ESQ.

To the Board of Directors of the New York Institution for the Instruction of the Deaf and Dumb.

GENTLEMEN :—The Annual Examination of the classes of the Institution under your charge took place this year on the sixteenth, seventeenth and eighteenth days of June. The closing exercises were held in the chapel on Wednesday, June 23d, when the various grades of diplomas usually awarded by your Board, and the prizes for special excellence were conferred upon those qualified to receive them and the customary exhibition of the pupils and Valedictory address were given.

The examining Committee respectfully present the following report of the examination.

Of the Committee and the gentlemen invited by them to assist in the examination, there was present on the first day, Wednesday, June 16th, at the Primary Department in Tarrytown, Rev. Sullivan H. Weston, D.D., accompanied by the Principal of the Institution. On the second day, Thursday, June 17th, when all of the classes in the Institution proper, and those at the Mansion House were examined, there were present, Mr. Avery T. Brown, Chairman, Rev. Sullivan H. Weston, D.D., Rev. George H. Payson, Rev. Edward L. Clark, and Messrs. James Monteith, John Carlin, Darius H. Pingrey, Irving Putnam, James W. Currier and Theodore Peet.

On the third day, Friday, June 18th, the examination was confined to the Art Department, as this examination could not be carried on at the same time as that of the regular classes. Mr. John Carlin, a deaf-mute artist of this city, and a gentleman of superior education, kindly undertook this examination. His long experience as a successful artist, his knowledge of the sign language, and his deep interest in deaf-mutes make him an examiner whose superior it would be hard to find. Full particulars of this examination will be found in his report.

The examination of the High Class was conducted by Rev. George H. Payson, whose report is given below in full.

The thanks of the Committee are gratefully tendered to these gentlemen, who assisted in the examination, and so patiently and thoroughly discharged their duties as examiners.

The general appearance and conduct of the pupils during the long examination; their eagerness to show what they knew; the high percentage of those in each class, who showed clearly that they had done good and earnest work during the year; the evidences of drill and system on all sides; and the affection and respect shown by all for the Principal and teachers leave little to be desired, and prove conclusively that there has been no deterioration in the amount and quality of the results accomplished during the year. It would be well in future if each class could have a separate examiner, so that there might be no need of hurry, and each examiner might make his examination exhaustive. This would also lend an individuality to each report, which is necessarily lacking where one gentleman examines several classes.

There has been a constant effort to improve and perfect the Course of Instruction in use in the Institution. Each year slight changes are made, leaving out those subjects or laying aside those text books that have not been found in practice all that was expected of them, and introducing such others as seem to promise good results. The course of original lectures, delivered by the teachers daily, the last hour of the afternoon session of school to the older pupils assembled in the chapel, during the last part of the year, is one of these new methods. It has been introduced to impart a knowledge of various sciences not in the regular course of instruction, and also much of that ordinary and every day knowledge that hearing children gain from the conversation of their elders, and so far as can be judged by the results obtained during the short time it was tried, it seems desirable to continue the course. Still the changes made have been unimportant, and the course of study remains in all essentials the same as before.

The Schedule of Classes on the following pages gives, in tabular form, the number of pupils under instruction during the year, the number present at examination, their standing in respect to the number of years they have been under instruction, their classification, both general and special, and the names of the teachers with their class assignment. The schedule was prepared by the principal for the information and guidance of the committee, and presents clearly and comprehensively much valuable information, which, if given in detail, would have been less satisfactory, and might have been obscure and perplexing.

SCHEDULE OF CLASSES, JUNE 17, 1880.

Class.	Division.	TEACHERS.	Standing.	Under instruction within the year.			Present at the Examination.		
				Males.	Females.	Total.	Males.	Females.	Total.
I.	1	Francis D. Clarke....	8 years.....	21	..	21	19	..	19
	2		7 years.....	17	..	17	15	..	15
II.	1	Jane T. Meigs.....	8 years.....	..	19	19	..	18	18
	2		7 years.....	..	10	10	..	9	9
III.	1	W. G. Jones.....	4 years.....	..	3	3	..	3	3
	2		6 years.....	20	..	20	16	..	16
IV.	1	Josephine L. Ensign..	5 years.....	17	..	17	16	..	16
	2		4 years.....	..	21	21	..	20	20
V.	1	R. B. Lloyd.....	4 years.....	..	18	18	..	17	17
	2		5 years.....	22	..	22	21	..	21
VI.	1	H. D. Reaves.....	4 years.....	21	..	21	20	..	20
	2		3 years.....	20	..	20	19	..	19
VII.	1	Ida Montgomery.....	2½ years.....	19	..	19	18	..	18
	2		3 years.....	..	21	21	..	21	21
VIII.	1	G. C. W. Gamage....	2 years.....	..	19	19	..	18	18
	2		1½ years.....	11	9	20	11	8	19
IX.	1	Myra L. Barrager....	1½ years.....	12	9	21	12	9	21
	2		4 to 8 months.	..	17	17	..	16	16
		Maria Toles.....	4 to 8 months.	..	21	21	..	19	19

JUVENILE DEPARTMENT.

I.	1	L. C. Rice.....	8 years.....	9	..	9	9	..	9
	2		2 years.....	12	..	12	12	..	12
II.	1	C. W. Van Tassell...	2 years.....	16	..	16	16	..	16
	2		1 year.....	13	..	13	13	..	13
III.	1	T. H. Jewell.....	2 years.....	17	..	17	16	..	16
	2		1 year.....	22	..	22	22	..	22
	3		4 to 8 months.	12	..	12	10	..	10

SPECIAL CLASS—DEAF, DUMB AND BLIND.

..	..	Walter B. Peet.....	5 mo. to 6 yrs.	6	1	7	6	1	7
..	..	Chester Q. Mann.....		..	..	..	..	..	..

ARTICULATION CLASS.

..	1	E. H. Carrier.....	6 mo. to 5 yrs.	17	..	17	17	..	17
..	2		1 to 5 years.	..	13	13	..	10	10

HIGH CLASS.

..	1	Weston Jenkins... .	8 to 11 years..	20	20	40	19	19	38
..	2			324	201	525	308	189	497

SPECIAL CLASSES.

ARTICULATION.

..	..	E. H. Carrier, assist-	.....	..	..	..	..	..	..
..	..	ed by W. Jenkins.	.....	12	7	19	11	7	18
..	..	C. L. Clarke	21	31	52	20	30	50
..	..	Jane T. Meigs.....	32	32	..	30	30

DRAWING.

..	..	Carrie V. Hagadorn.	223	161	384	209	150	359
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The Committee will now enter upon the detailed report of the examination of the different classes, beginning with the youngest.

NINTH CLASS.

The second division of this class, consisting of twenty-one little girls, who have been in school from four to eight months, was taught by Miss Maria Toles. Two were absent from the examination. They have studied the first thirty-four pages of Dr. I. L. Peet's Language Lessons; have been faithfully practised in counting, both by figures and words as high as thirty; have received daily systematic instruction in penmanship, using the ruled copy-books and the system perfected by Dr. I. L. Peet, and now used in several of the classes of the Institution; and have been practised in copying from the Language Lessons. This division was examined by Messrs. Darius H. Pingrey and J. W. Currier, and a full account of all the details of the examination will be found in the reports of these gentlemen which are included in this report.

The first division of the Ninth Class comprises seventeen pupils, sixteen of whom were present at the examination. These little girls have been under instruction for a year and a half, and are a credit to their teacher, Miss Myra L. Barrager, an advanced pupil of the Institution, who has devoted 4 hours of her time each day to their instruction. They have fully mastered 169 pages of Peet's Language Lessons, thereby gaining a thorough knowledge of a large number of nouns and verbs, of many adjectives, including the colors and numerals, and of the personal pronouns. All of the class can count in figures and in words as far as five hundred, while several of the brighter ones have gone beyond one thousand. Three sections of Dr. H. P. Peet's Scripture Lessons, including a short account of the infinite goodness and power of God, some ideas of what we should and should not do, and the immortality of the soul, have been studied and seem to be well understood by all. Penmanship, by the system of ruled copy-books and ruled lines on the large slates, has been taught with such success as to call for a flattering comment on both the teacher and the system. The examination was made by Mr. James W. Currier, on Thursday, June 17th.

EIGHTH CLASS.

Both divisions of this class were taught by Mr. G. C. W. Gamage. The second division contains twenty-one pupils, of whom twelve were males and nine females. They have been under instruction a year and a half. All were present at the time of the examination, which was conducted by Mr. Irving Putnam, on the morning of June 17th. The studies of the year have been :—Peet's Language Lessons, from page

90 to 152 ; counting by figures and words from one to five hundred ; and the first seven sections of Peet's Scripture Lessons. The examiner was well pleased with the attainments of the class, and the details of the examination will be found in his report.

The first division of this class is formed of twenty pupils, eleven males and nine females, one of whom was absent at the time of the examination. Its standing is two years. This division was examined by Rev. S. H. Weston, D.D., on Thursday afternoon, June 17th. They have studied and reviewed Peet's Language Lessons from Section X. to the end of the book ; have been taught to count in figures and words from one to ten thousand ; have studied Peet's Scripture Lessons to Section 1 of Part II. ; have learned the Lord's Prayer ; and every second week have committed to memory a model letter written by the teacher and explained to them in signs. The examiner found the result of the year's work, as exhibited by their examination, very satisfactory.

SEVENTH CLASS.

This class was taught by Miss Ida Montgomery. The second division, consisting of nineteen little girls, who have been two years under instruction, bids fair to rival the first division, which for the last two years has been the model class of the Institution. The teacher, a semi-mute and a graduate of the Institution, possesses that faculty, unfortunately so rare, of bringing herself into such close sympathy with those under her charge, that they look upon her not only as one to be obeyed but as an intimate and valued friend to be appealed to upon all occasions. In none of the classes of the Institution is there more perfect order and discipline, or more hard work done, than in these two divisions. One of the class was absent from the examination of the second division, which came off on Thursday, June 17th, and was conducted by Mr. Irving Putnam. The studies of the year have been :—129 pages of Peet's Language Lessons ; six sections of Peet's Scripture Lessons ; the Lord's Prayer and the Ten Commandments ; numeration and notation ; counting by twos, threes, etc. ; penmanship and drawing. The details of this examination will be found in Mr. Putnam's report.

The first division of this class, composed of twenty-one little girls, has been under instruction three years, and it is one of the best classes ever seen, either among deaf-mutes or hearing and speaking children. No one can enter their school-room without being impressed with the intelligence and activity of mind displayed by every one of them, and at the same time the fact is evident, that though they have received constant, faithful and well directed instruction, yet they still remain natural, active, bright-eyed, smiling children, and not little old

women who have been drilled until they have become mere automatons. The examination of this class was conducted by Messrs. Avery T. Brown and Irving Putman. The studies of the year have been :—the use of language in writing letters, in writing from signs and actions performed before, in describing pictures, in answering questions, etc. ; 193 pages of Peet's Language Lessons ; 125 pages of Dr. H. P. Peet's Course of Instruction, Part III., including the 'History of Man' ; 47 pages of Peet's Scripture Lessons ; the committing of eight Hymns to memory so as to reproduce them verbally by writing on their slates, or by making signs for them in concert ; simple examples in addition and subtraction, penmanship and drawing.

SIXTH CLASS.

The sixth class was taught by Mr. H. D. Reaves. The second division was rated as under instruction two and a half years, and was composed of nineteen boys, one of whom was absent at the time of the examination. Both divisions of this class were examined on Thursday, June 17th, by Mr. John Carlin, whose report of the examination is given below in full. The studies of the second division during the year were :—200 pages of Peet's Language Lessons, including the use of articles, verbs, adjectives, and some of the pronouns in both numbers ; in Dr. H. P. Peet's Scripture Lessons, the attributes of God, the immortality of the soul, Bible History from the Creation to Lot ; the Lord's prayer, and the Ten Commandments ; Dr. H. P. Peet's Course of Instruction Part III—the History of Man from infancy to old age ; arithmetic—addition and subtraction thoroughly mastered. Every alternate week a model letter has been written and explained by the teacher, and memorized by the class. The Spencerian system of penmanship has been used as a basis of instruction.

The first division of this class had a standing of three years, and contained twenty boys, one of whom was absent at the examination. They have finished Peet's Language Lessons ; studied Peet's Scripture Lessons from the beginning to the meeting of Jacob and Rachel at the well ; and have committed to memory the Ten Commandments and the Lord's Prayer. All of the class are thoroughly acquainted with addition, and some of the brightest have mastered subtraction and multiplication. As in all of the classes sufficiently advanced, a model letter has been committed to memory every other week. The class has also been constantly exercised in answering ordinary questions about things that they are familiar with. The Spencerian System of penmanship has been used. The examiner was well pleased with the thorough way in which the programme of studies had been carried out in each division.

FIFTH CLASS

Both divisions of this class were taught by Mr. R. B. Lloyd, and were examined on Thursday, June 17th, by Mr. John Carlin. The second division comprises twenty-one boys, nineteen of whom were present at the examination. Their standing was four years. During the year, they have reviewed Peet's Language Lessons from the beginning, and have been exercised in writing original sentences, using the verbs found in that valuable text book. As a farther exercise in language, they have been practised in answering in writing, ordinary conversation questions. In Peet's Course of Instruction, Part III., they have studied the "History of Man" from infancy to old-age, pages 52 to 68 inclusive; in Peet's Scripture Lessons, the history of the Jews, from Moses to Jonah; in Goodrich's Child's History of the United States, they have committed the first nine chapters to memory; in arithmetic, they have made a beginning in division; and all the class have been regularly drilled in the Spencerian System of Penmanship.

The first division of Mr. Lloyd's class comprises twenty-two boys. One of these was absent at the Examination. Their standing was five years. The studies for the year have been:—Ray's Elementary Arithmetic, 98 pages or through Federal money; Harpers Introductory Geography, Lessons XLVII. to LXV.; the International Sunday School Lessons for the year; original composition and daily reading lessons by concerted signs. The examiner considers that both of these classes show evidence of good progress during the year.

FOURTH CLASS.

This class was taught by Miss J. L. Ensign. The second division, consisting of eighteen girls, seventeen of whom were present at examination, was examined by Rev. Edward L. Clark, on Thursday, June 17th. This division has been under instruction four years. The studies of the year have been:—Goodrich's Child's History of the United States, from the discovery of America to the year 1800, when Washington City became the Capital of the United States; Peet's Course of Instruction, Part III., the history of Animals and a portion of the Development of Verbs; Peet's Scripture Lessons thoroughly reviewed; the Ten Commandments committed to memory; Foster's Story of the Bible, from the beginning through the account of the building of the tower of Babel; exercises in Arithmetic, using Thompson's Table Book; penmanship according to the Spencerian System; letter writing, original compositions; and twelve hymns, which have been committed to memory, repeated in concert by signs in the chapel on Sunday afternoons, and written from memory in school.

The first division of this class has a standing of five years and is composed of twenty-one girls, two of whom were absent at the examination. It was also examined by Rev. Edward L. Clarke on the same day. The studies of the year were :—the International Sunday-School Lessons ; a thorough review of the whole of Peet's Scripture Lessons ; the Ten Commandments ; twelve Hymns, the same as in the second division ; Harpers Introduction to Geography, from the beginning through North America ; the first thirty-seven chapters of Parley's Universal History ; Dr. H. P. Peet's Course of Instruction, Part III. ; the Development of verbs, and the chapter on Months ; in Arithmetic, Thompson's Table Book and analysis involving the use of the four ground rules ; the Spencerian System of penmanship ; and daily exercises in original composition, including writing from dictation in signs, and letter writing. The examiner considered both divisions very thorough in all that they had studied.

THIRD CLASS.

Both divisions of this class have been taught, since January, by Mr. W. G. Jones. Previous to that time, they were under the instruction of Mr. F. D. Clarke, but owing to the vacancy occasioned by the death of Prof. Van Nostrand, Mr. Clarke was given charge of the First Class and this class was placed under Mr. Jones.

The second division was composed of seventeen boys. Its standing was five years. One pupil was absent at the time of the examination, which was made by Theodore Peet, A.M., on Thursday, June 17th. The studies of the year consisted of 233 pages of Parley's Universal History, which includes the introduction, the history of Asia, the history of Africa and the history of Europe through the history of Greece ; Harper's Introductory Geography, 50 pages, through the Middle Atlantic States ; Peet's Course of Instruction, Part III., the chapter on the months ; Peet's Scripture Lessons, from page 67 to the end ; French's Elementary Arithmetic through long division ; book-keeping according to Thomas's System by Single Entry, begun. These, with a model letter every other week, and frequent exercises in composition and the use of language, formed the programme of the year's work. The examiner found that, with the exception of one or two boys, the class were well posted in all that they have studied.

The first division of Mr. Jones' class was examined on the same day by the same examiner. The standing of this division is six years, and it is formed of twenty boys, four of whom were absent at the time of the examination. The studies of the year, in which the members of the class were all well prepared, were :—Parley's Universal History, from page 235 to the end of Europe, embracing the history of all the

countries of Europe except Greece, which was studied the year before ; Harper's School Geography, from the beginning through the South Central States ; Swinton's School Composition, from the beginning to page 102, treating of words and sentences, parts of speech, changes in the form of words, and the uses of words ; Foster's Story of the Bible, from the beginning to page 31 ; French's Elementary Arithmetic, in which, in this division as in the other, the progress of different members of the class had been very unequal, one having finished the book, while others were not more than half way through it ; Thomas's Book-keeping by Single Entry, Part I, and model letters, as in the second division. The boys in this division are very bright, and showed that they had not been allowed to idle away their time in school.

SECOND CLASS.

This class, composed entirely of female pupils, was taught by Miss Jane T. Meigs. It was found expedient to form it into three divisions, the second division being subdivided, forming a third division, which was in school at the same time as the second, and was examined with it, but pursued a different course of study.

The second and third divisions were examined on the morning of Thursday, June 17th, by Rev. Edward L. Clark, who also examined the first division in the afternoon.

The third division was composed of pupils of four years standing, all of whom were present at the time of the examination. Their studies were :—The International Sunday-School Lessons for the year ; 26 pages of Peet's Scripture Lessons ; the Lord's Prayer and the Ten Commandments ; 62 pages of Goodrich's Child's History of the United States ; Harper's School Geography begun ; Thompson's Arithmetic, through addition, subtraction and multiplication ; 41 pages of Swinton's Language Lessons ; Penmanship according to the Spencerian System ; and daily exercises in articulation and lip-reading. They seemed familiar with that portion of the course of the Instruction marked out for the fourth year, and ready to take up the studies for the fifth year.

The second division of this class comprises ten pupils, one of whom was absent at the time of the examination. Their standing is seven-years. They have studied :—Dr. H. P. Peet's History of the United States, from page 25 to 312 ; Harper's School Geography, from page 35 to page 63 ; Kerl's Common School Grammar, from page 81 to 116 ; the chapter on the months, in Peet's Course of Instruction Part III. ; Felter's Practical Arithmetic, through Vulgar Fractions ; the International Sunday School Lessons for the year ; the Ten Commandments and the Lord's Prayer ; daily exercises in the use of language in com-

position, using Swinton's Language Lessons as a basis of instruction ; and daily exercises in articulation and lip-reading. This division, as well as both the others in Miss Meigs's class, show what can be accomplished by a teacher skilled in the methods of instruction used in the Institution, and of untiring energy and faithful zeal.

The first division of Miss Meigs's class consists of nineteen girls, one of whom was absent from examination. The standing of this division is eight years. They have studied :—the International Sunday-School Lessons, the Lord's Prayer, the Ten Commandments and the hymns selected by the Principal ; 57 pages of Berard's History of England, embracing the history of England from the earliest times to the Norman Conquest ; 22 pages of Harper's School Geography ; the rules of Syntax in Kerl's Grammar ; Felter's Practical Arithmetic, from the beginning as far as United States Money ; Penmanship according to the Spencerian System ; daily exercises in the use of language by writing from signs, and in articulation and lip-reading. The examination of all three of these divisions proved very satisfactory.

FIRST CLASS.

Both divisions of this class began the year under the instruction of the late Prof. Van Nostrand, and after his death were transferred to Mr. F. D. Clarke,

The second division was composed of seventeen boys, two of whom were absent at the time of the examination. Their standing was seven years. This division was examined on the morning of June 17th, by Mr. James Monteith, a gentleman whose name has long been familiar to all American instructors from the excellent series of geographical text books of which he is the author. He kindly devoted the whole day to the examination of the two divisions of this class, taking a deep interest in finding out how much they knew, not only of the course of study, but of subjects in which young men of their age are usually interested. While the examination was very searching, it was a pleasure both to the examiner and the examined, and the time passed so rapidly that all were astonished to find the school day ended. The studies of the second division consisted of :—impromptu exercises in English composition, such as addresses to visitors, written opinions and accounts of the events of the day, abstracts of the lectures delivered in chapel, descriptions of places visited with the teacher, etc. ; 68 pages of Harper's School Geography, from the beginning through the geography of the United States ; Part III. of Thomas' Book-Keeping by Single Entry, and exercises involving the principles of single-entry book-keeping ; Kerl's Grammar to page 45 with exercises and constant use of Dr. I. L. Peet's system of Grammatical Symbols and

chart of Essential Sentences, both in the parsing and the analysis of sentences; Arithmetic reviewed from the beginning, and an advance made from the beginning of long division through Vulgar Fractions; Peet's History of the United States, used as a reading book, and written in their own language but not committed to memory; Number 4 of the Spencerian System of Penmanship: Model Letters written and explained by the teacher on every other Friday, studied that night by the pupils, and reproduced on the following Monday from memory; the International Sunday School Lessons and the Hymns selected by the Principal. The class as a whole was considered well prepared to proceed to the studies set aside for the eighth year of the course.

The first division of this class was composed of twenty-one pupils, two of whom were absent. This examination occupied the whole afternoon. Every member of the division did well, and passed a creditable examination. When the signal for the close of school was heard, the examiner wrote a few words of encouragement and commendation on the large slate, and after a few remarks addressed through the teacher to the class, and a shake of the hand from each of them, they were allowed to leave, doubtless, well pleased that the ordeal of examination was over. The standing of this division was eight years, and many of them graduated; but owing to the fact that some members of the class began as county pupils the terms of all do not expire. The studies for the year were:—Language exercises, much the same as those of the second division; Grey's Elegy, Lippincott's Annotated Edition; Harper's School Geography, from page 68 to the end, embracing the geography of the whole world except the United States; Thomas's Book-Keeping, as in the second division; Kerl's Grammar, page 70 to 160, and the Grammatical Symbols as in the second division; in Arithmetic a thorough review from the beginning, and Vulgar Fractions; Berard's History of England used as a reader, and the class prepared to give accounts of the principal events in their own language; Penmanship, Model Letters, the International Sunday School Lessons, and the selection of hymns as in the second division.

ARTICULATION CLASS.

The second division of this class is formed of thirteen girls, three of whom were absent from the examination. This class is taught by Mr. E. H. Currier and has a standing of from one to five years. The class was examined on the morning of June 17th, by Rev. S. H. Weston, D.D. The course of instruction during the year has been:—constant drill in the elements of Bell's System of Visible Speech and

in lip-reading ; 30 pages of Monroe's First Reader ; 70 pages of Peet's Language Lessons ; a review of Peet's Scripture Lessons for the younger members of the class, and the International Sunday-School Lessons for those old enough to understand them ; copying from Peet's Course of Instruction, Part III. ; Harper's School Geography for the more advanced pupils, and Cornell's First Steps in Geography for the younger ones ; English Composition ; exercises in Arithmetic varied according to the ability and age of the pupils ; Penmanship according to the Spencerian System ; Peet's History of the United States ; Swinton's Language Primer ; model letters and letter writing. Owing to the different lengths of time which the pupils have been under instruction, this division was divided into three sections. All lessons are recited by the method of articulation and lip-reading and the examination was conducted in the same manner. It was very satisfactory in every respect.

The first division of the Articulation Class is also taught by Mr. E. H. Currier. It is composed of seventeen boys, who had a standing of from six months to five years, necessitating a subdivision of the class into six sections of from one to six pupils each. The examination took place on the afternoon of June 17th, and was conducted by Rev. S. H. Weston, D.D., assisted by Mr. D. H. Pingrey. The studies of this division are the same as those of the second division. In the examination, attention was directed more particularly to the progress made in their studies, as the examination was conducted *viva voce*, and the pupils' ability to read the question from the lips of the examiner and respond in spoken words, was considered a sufficient proof that the instruction in articulation and lip-reading had been eminently practical and the results obtained perfectly satisfactory.

CLASS OF BLIND PUPILS.

This special class of deaf, dumb and blind pupils was taught during the first few months of the year by Miss Bessie V. Fitzhugh. That lady's health failing, she was obliged to ask for a long leave of absence, and the instruction of the class was continued by Mr. Walter B. Peet, a young gentleman who, from his life-long familiarity with signs, is well fitted for the position of teacher of the Deaf and Dumb ; and by Mr. Chester Q. Mann, a deaf-mute. The class is composed of James H. Caton and Richard Clinton, two totally blind deaf-mutes ; Joseph Miller and Edward Lyng, partially blind deaf-mutes ; Stanley Robinson, a partially blind semi-mute ; Martha Morehouse, a totally blind semi-mute ; and Ashburnam C. Newman, a deaf-mute needing individual attention and an amount of patient instruction which could not have been bestowed upon him in any of the other classes with justice to the remaining pupils.

James H. Caton, the pupil under instruction longer than any of the others, has studied :—The first chapter of Peet's History of the United States ; parts of Cathcart's Literary Reader ; the Life and some of the words of Shakespeare ; the whole of Goodrich's Child's History of the United States ; sixty-one pages of Warren's Geography ; eleven sections of Part II. of Peet's Scripture Lessons ; fourteen lessons of the Catechism ; and has learned to add, subtract, multiply and divide.

Richard Clinton has studied :—Forty-four pages of Peet's Language Lessons ; two sections of Peet's Scripture Lessons ; and has learned to count in figures and words to ten thousand.

Edwin Lyng has studied :—24 pages of Peet's Language ; one section of Peet's Scripture Lessons ; and has learned to count in figures and words to one hundred thousand.

Joseph Miller has studied Peet's Scripture Lessons ; Goodrich's Child's History of the United States, addition and subtraction, and has learned to write a simple journal.

Ashburnham C. Newman has studied 22 pages of Peet's Language Lessons and part of the first section of Peet's Lessons.

Stanley Robinson has studied,—the whole of Goodrich's Child's History of the United States : nineteen chapters of Parley's Universal History ; Peet's Scripture Lessons ; eight chapters of " Lines Left Out " ; fifty-four lessons of Harper's Introductory Geography ; addition, subtraction and the multiplication table.

Martha Morehouse has studied Sections 3 and 4 of Peet's Scripture Lessons ; two chapters of Goodrich's Child's History of the United States ; and has learned to read from raised letters. The examiners, Rev. S. H. Weston, D.D., and Mr. D. H. Pingrey, found that all the pupils were well posted in their different studies.

JUVENILE CLASSES.

These classes consist of boys who are too young to associate with the older pupils and to work in the shops. They comprise fifty-one boys at the Mansion House, under the instruction of Mr. T. H. Jewell, and fifty at the new Juvenile Department at Tarrytown, under the instruction of Mr. C. W. Van Tassel and Miss L. C. Rice.

The classes at the Mansion House were examined on Thursday afternoon, June 17th, by Mr. J. W. Currier. The second division consists of thirty-four boys. For convenience of instruction, it is divided into three sections.—A, B and C. Section C is composed of five boys, and has a standing of from two to three months. One pupil was absent at the examination. These little ones had hardly done more than make a beginning. They have mastered Section I of Peet's Language Lessons, and received regular instruction in Penmanship, and Drawing.

Section B is composed of seven boys, all of whom were present.

They have a standing of from five to six months. They have studied Sections I., II., and a part of Section III., of Peet's Language Lessons, and received regular lessons in Penmanship and Drawing.

Section A. is composed of twenty-one boys and has a standing of one year. They have studied 41 pages of Peet's Language Lessons; have been taught to count by figures and words from one to five hundred; and have received daily lessons in Penmanship and weekly lessons in Drawing.

The first division of Mr. Jewell's class is composed of seventeen boys. One was absent at the examination. They have a standing of two years. Their studies for the year have been; Peet's Language Lessons to Exercise VII. of Section 9; Peet's Scripture Lessons, Sections II to V inclusive; the Ten Commandments; counting in figures and words from one to ten thousand; simple exercises in addition and subtraction; Penmanship and Drawing. The examination proved satisfactory in all particulars.

That portion of the Juvenile Department at Tarrytown was examined on Wednesday, June 16th, by Rev. S. H. Weston, D.D., assisted by the Principal of the Institution. There are two classes. Class No. 2 is taught by Mr. C. W. Van Tassel, and is divided in two divisions. The second division is composed of thirteen boys. All were present at the examination. Their standing is one year. They have studied 60 pages of Peet's Language Lessons; one section of Peet's Scripture Lessons; counting in figures and words from one to one thousand; Penmanship by Dr. Peet's system, and Ellsworth's Tracing copy books; and have learned their names, ages and residences.

The first division is composed of sixteen boys, and has a standing of two years. They have studied 154 pages of Peet's Language Lessons; three sections of Peet's Scripture Lessons; have committed to memory the Lord's Prayer, the Ten Commandments, and the Twenty-Third Psalm, and can write them or render them in concerted signs; have studied numeration and notation to one million, and addition; Penmanship as in the second division; their names, ages and residences; and have each written one letter to their parents.

Class, No. 1 was taught by Miss L. C. Rice. The second division was composed of twelve boys, and had a standing of two years. All were present at the examination. Their studies were:—Dr. Peet's Language Lessons reviewed from the beginning to Section 9, and studied in advance to Exercise VIII. of Section 9; four sections of Peet's Scripture Lessons; addition and subtraction; Penmanship as in Class No. 2; and letters to their parents and friends every month.

The first division of Miss Rice's class is formed of nine boys. Their standing is three years. They were all present at the examination.

The studies were :—Peet's Language Lessons reviewed from Section IV. to section XI., and studied in advance through Section XII. ; Peet's Scripture Lessons, reviewed through Part I. and studied in advance through three sections of Part II. ; the Ten Commandments ; Felter's Arithmetic, addition, subtraction and a part of multiplication ; and the first four lessons in the Franklin Arithmetic.

The results of the examination of all the classes at Tarrytown are given in the report of Rev. S. H. Weston, D.D.

SPECIAL CLASSES.

Under this head in the Schedule will be found the two classes of Articulation and Drawing. The pupils forming these classes are included in regular classes, but receive special additional instruction in the special classes.

The Special Articulation class taught by Mrs. C. L. Clarke, numbers fifty-one pupils. Their standing varies greatly. They are divided into two divisions. Each pupil receives instruction in articulation for two hours each day every alternate week. The course of instruction followed for the year was the same in each division, and consisted of a through drill in all the consonant sounds of the English language, the long sound of a, and all the combinations that can be formed from these. Bell's System of Visible Speech was used as the basis of this instruction, and as a consequence these pupils are well grounded in the Symbols of Visible Speech as far as they have been. The results of the examination will be found in the report of Rev. S. H. Weston, D.D.

Miss Meigs's class in articulation was formed of the girls in her regular classes, and has received daily lessons in this branch. The examination was made at the same time as that of the regular classes.

Each of these ladies are expert teachers in this specialty, having had long experience as teachers of articulation.

Each class in the institution receives instruction in Drawing for two hours every week. This is principally given by Miss Hagadorn. The full report of Mr. John Carlin on the examination of this department will be found very interesting, and will give all the details of the examination.

THE HIGH CLASS.

The examination of the High Class was conducted by Rev. George S. Payson, on Thursday, June 17th, and occupied the whole day. This class was composed of twenty males and twenty females, under the instruction of Mr. Weston Jenkins. Twenty of them received regular instruction in articulation from Mr. Jenkins, who is eminently fitted for this, as he has had the advantage of special instruction from Prof. Bell, and was for some years the teacher of articulation in this Institution. For all particulars of the work done, the committee would refer to the report of Rev. George S. Payson.

Report of the Examiners.

REPORT OF MR. JAMES W. CURRIER.

The pleasure dervied from making the examination of the classes assigned to me by the Committee, took away, it may be, the power of criticism which one who is appointed an examiner should exercise. I have always felt such a deep interest in the deaf and dumb, that were I chosen to pick out their faults, I would rather acknowledge that what might be considered by some coming short of the standard, would be a failure of understanding on my own part. But this examination, as *all* the classes that I examined bore testimony to the patience, fidelity, and painstaking of their teachers, taking into consideration the difficulties they had surmounted, and the results they had accomplished, made me deeply thankful that an all-wise Providence had put it into the hearts of noble men to provide the means for a good work, and that the Principal had shown so much wisdom in the selection of his teachers and the text books used for such instruction. The class taught by Miss Maria Toles, I was especially interested in, as they were the smallest girls—averaging not more than 8 years in age—in the institution, and as I saw their little hands write so legibly the lessons given them by their teacher, my heart overflowed with sympathy, and I am sure the sensitive little ones felt it as they all so heartily grasped my hands and arms as they went out. They did remarkably well. Peet's Language Lessons as far as page 34 seemed to have been well mastered; in arithmetic, the writing of numbers from figures was well done from (1) one to (30) thirty:—the penmanship is peculiarly in contrast with hearing and speaking children of their own ages, being universally far better. The class taught by Miss Myra L. Barrager did credit to the faithful painstaking of their teacher, some of the brightest pupils writing correctly in numeration as far as one thousand, others as far as five hundred. In Peet's Language Lessons, they were familiar with the lessons as far as page 169, including colors and objects, and the pronouns of the first, second and third persons, with their possessives. In Scripture Lessons they have mastered the first three sections, and showed they had a knowledge of the infinite greatness and goodness of God, with a good conception of what the divine law commanded us to do and what not to do, and also some ideas of the immortality of the soul.

The four divisions at the Mansion House, taught by Mr. Thomas

H. Jewell, classified Division I., of two years standing; Division II., Class A., one year's standing; class B., five months'; class C., two to three months', passed a very creditable examination, plainly showing the genius of their teacher, who, certainly, has tact as well as talent in his profession, and his pupils showed they had been schooled in the art of politeness, an accomplishment which belongs to their gentlemanly instructor. I left the Mansion House with the thought that if all the money that had been expended, and all the painstaking, were the means of saving but one child, it would not have been spent in vain. This may seem extravagant to some; but would it seem so if the child was your own?

J. W. CURRIER.

REPORT OF REV. S. H. WESTON, D.D.

NEW YORK, June 18, 1880.

To the Committee of Examination of the Board of Directors of the New York Institution for the Instruction of the Deaf and Dumb.

GENTLEMEN:—As a member of your committee, it has been my duty to examine, at the Annual Examination just past, the following classes:—

1st. The Juvenile Department at Tarrytown, taught by Mr. Van Tassel and Miss L. C. Rice.

2nd. The Articulation Class, Divisions I, and II. taught by Mr. E. H. Currier.

3rd. The Special Class in Articulation, taught by Mrs. C. L. Clarke.

4th. The Special Class of Deaf, Dumb and Blind, taught (since Feb. 4th) by Messrs. W. B. Peet and C. Q. Mann.

5th. Class VIII., Division I., taught by Mr. G. C. W. Gamage.

On Wednesday, June 16th, accompanied by Dr. I. L. Peet, I spent the day at Tarrytown in the examination of the pupils composing the classes taught by Mr. Van Tassell and Miss Rice.

The first class examined was a class of thirteen boys, who began last fall and have been under the instruction of Mr. Van Tassell. Without going into particulars of the examination, it seems sufficient to say that this class exhibits great development of mind since they came to the Institution. They have accomplished rather more than is usual in a year's work, and seem to take a real pleasure in exhibiting what they know, showing none of that nervousness and bashfulness in the presence of the examiner, which is so usual among children of their age.

The first division of Mr. Van Tassell's class had been under instruc-

tion for two years and are farther advanced than the second division. An equal evidence of advance, during the year, was shown by them. Looking at them as they wrote on their slates, or stood intently watching the questioner, it seemed hardly possible to believe that less than two years ago their stock of knowledge was absolutely nothing, and their ability to express even their simplest wants very limited. It seems as if their minds, which had lain almost dormant for so long, were trying to make up for lost time.

Leaving Mr. Van Tassell's room, the examiner passed to that of Miss L. C. Rice. Here were twenty-one bright-eyed boys, divided into two divisions. The second division composed of twelve boys were just completing their second year, and the first division of nine boys their third year at school. Your examiner was greatly pleased with both of these classes. Their progress will compare favorably with that of classes of the same standing anywhere. Their penmanship was neat and clear, and their readiness in answering questions of all sorts simply astonishing. It seems as though they had lost the faculty of forgetting. The Board has abundant reason to feel proud of the Juvenile Department at Tarrytown.

A class of twelve selected by Mr. Rhodes, the inventor of the Audiphone, had been formed and were instructed by Miss Rice in Articulation. There were some evidences of benefit and the class had made considerable advance in Articulation, but the examiner could not discover that this was owing to the Audiphone. Miss Rice is one of those teachers who succeed in everything they undertake to teach, and probably the benefit derived is owing much more to her efforts than to the instrument, though Mr. Van Tassell claims that it is of some benefit to him.

On Thursday morning, June 17th, I examined the second division of the Articulation class. This division is composed entirely of girls, and is taught by Mr. E. H. Carrier. The instruction in articulation consists first in a thorough drill in the elementary sounds of the English language, and secondly in combining those sounds so as to form words and sentences. At the same time, instruction in lip-reading is carried on. Lip-reading, or the ability to tell from the visible motions of the lips and other organs of speech what is said, is entirely distinct from Articulation. It requires the exercise of a different set of organs, both physical and mental. Articulation requires in the pupil a power of imitation and a flexibility of the organs of speech; lip-reading a retentive memory and a quick eye. Thus it often happens that a pupil who is a good articulator may be a poor lip-reader, and *vice versa*. Both branches are simplified by a knowledge on the part of the pupil of Bell's System of Visible Speech. The examination mainly consisted

in questions and answers *viva voce*, thus at the same time finding out how much knowledge of the Course of Instruction the pupils had acquired during the year, and testing their powers of articulation and lip reading. In both branches they were found very satisfactory.

A portion of Thursday afternoon was devoted to the examination of the first division of this class. The examiner was assisted by Mr. D. H. Pingrey. This division was composed entirely of boys, and had also been under the instruction of Mr. Carrier. Much interest was taken in hearing them pronounce words which they had never seen before. In many cases they failed to get the proper pronunciation from the ordinary English letters, but when Bell's symbols were given them by the teacher, there was not a single failure, and in very few cases any hesitation, even when the pronunciation was queer and outlandish. Altogether the examination was a very interesting one, and showed the results obtained were the result of much hard work both by the teacher and pupil.

The Special Class in Articulation, taught by Mrs. C. L. Clarke, was examined the same day. This class is composed of pupils, who are in other classes, but spend a portion of each day under Mrs. Clarke's instruction. Each pupil, therefore, has the advantages of instruction by both methods. Many of them may be transferred to the regular Articulation Class, after they have here acquired the rudiments of Bell's system. By special direction from the Principal, Mrs. Clark has confined her efforts to the consonant sounds, alone, and in combination with the long sound of *a*, as in *fame*. She has met with very flattering success, especially in making those pupils, who, before they came under her care, were greatly opposed to articulation and the Bell system, take a liking to it and do earnest and conscientious work. The examiner found that this class were well posted in the rudiments of Bell's System, and were, in every respect, all that could be desired.

The Special Class of Deaf, Dumb and Blind, was also examined on the same day. This class is taught by Messrs. W. B. Peet and C. Q. Mann. Here the progress exhibited by the pupils was simply marvelous. That it should be possible to teach anything to a blind deaf-mute is in itself a wonder; but to find one like Caton growing up to be a cultivated, well read, young man, with a knowledge of the great poets of the English Language; quoting Shakespeare, and ready by means of the type-writer to answer any questions that may be asked him, seems like an incident of the Arabian Nights. When we reflect that all of this has been gained by the slow process of feeling each letter as it is formed by the hand of the teacher, or of some companion who is willing to spend a few minutes in lightening

ing the load of a blind deaf-mute, our wonder is changed to admiration. The other members of the class have made very satisfactory progress, but none of them have gone as far as Caton. The little girl, Martha Morehouse, however, bids fair to be his equal in a few years. The examiner found here, too, that the time spent in school during the last year had been evidently well employed.

The duties of the day were ended by the examination of Division I., Class VIII. These pupils have been under the care of Mr. G. W. C. Gamage during their school life of two years. They showed great promptness in obeying written directions from Dr. Peet's Language Lessons, and in writing what they had done. They counted accurately, and were able to write in words the name of any number below one thousand from the figures, or to give the figures when the words were written. They had evidently made a good start in the Course of Instruction, and both the pupils and teacher deserve the highest praise.

S. H. WESTON.

REPORT OF MR. IRVING PUTNAM.

June 17, 1880.

MY DEAR SIR:—At your request, I have to-day had the pleasure of examining three classes in the Institution, viz:—

No. VIII., DIVISION II. Taught by MR. GAMAGE.

No. VII., DIVISIONS I and II. Taught by MISS MONTGOMERY.

The first mentioned, consisting of 12 boys and 9 girls of 1½ years' standing, did full credit to the earnest and faithful work which it was evident their teacher had devoted to them.

They answered generally with promptness and accuracy the numerous questions put to them from Peet's "Language Lessons," and "Scripture Lessons"; readily interpreted from figures to words and *vice versa*, the numbers from 1 to 500; and showed quickness and skill in drawing.

The writing of all was excellent, being clear and distinct, without unnecessary flourishes; and the letters of two of the girls were formed as firmly and regularly as copper-plate engraving.

Taken altogether, the results in this class were most agreeable surprises, the proficiency being far greater than I had at all expected.

In regard to both of Miss Montgomery's classes (Division II., consisting of 19 girls of 2 years' standing. Division I., of 21 girls of three years' standing), it is impossible to speak without enthusiasm.

The entire love and confidence between teacher and pupil was beautiful to see.

It is evident, that to the one, teaching comes by nature, and that to impart knowledge to the little ones entrusted to her care is a delight, because she loves each one of them. As she moved round the room, looking at the work on their slates, passing some with a pat of approval, and pointing out to others here and there an error, with a smile and a touch that was caressing, I could not wonder at the bright, happy, intelligent faces that every one turned to her, and the eager interest shown in their work.

To the pupils it is a pleasure to learn, not only because every step forward and upward is shown in such a simple and attractive way, but because it is impossible for any one of them not to respond to their teacher's gentle affection, and they see that they best please her by putting their whole heart in their work.

Miss Montgomery's method of teaching seems so thorough, that all her pupils have the utmost readiness in giving expression to what they know. That they are taught to think, is shown in the admirable exercises in writing from signs, and from pictures; each giving her own interpretation of what she sees.

All the descriptions of pictures were truly and clearly given, with but here and there a slight transposition of words, and several were minute in their details and vivid in the language used.

The writing, as noticed in the other classes, was excellent; as was also the drawing. For the latter art, two of the girls showed decided talent.

The questions from the text books which they had been studying, were, in nearly every case, satisfactorily answered; and in arithmetic, in enumeration, writing figures and words, counting, etc., etc., they showed the best of training.

The quickness at catching a suggested correction was very noticeable. It was rarely necessary to do more than to point to the offending word or letter, to have it at once replaced by the correct one.

The beautiful sign language, so vivid and so eloquent, was gracefully illustrated in the recitation, by the entire class, of several hymns.

In a word, as far as the judgment of one of such slight experience as I is of value, I can say, that after spending several hours in the two divisions;—hours as interesting as any in my remembrance, I can find nothing to criticise, every thing to praise.

The thoroughly healthful, and exceedingly neat appearance of all the children, gave evidence that their physical welfare is as well cared for as their mental.

The more I see of the wonderful work you and your co-laborers are carrying on, transforming the ignorant deaf-mute, in the saddest of all sad states of existence, a burden on family, friends and state, into the

self-supporting, intelligent and happy members of the community that your pupils become, the more I am inspired with the grandeur of your labor, which should bring you the warmest gratitude from every citizen of this commonwealth.

With kindest regards, I am,

Faithfully yours,

IRVING PUTNAM.

To I. LEWIS PEET, LL. D.

REPORT OF MR. JOHN CARLIN.

CLASS V., DIVISION II. TAUGHT BY ROWLAND B. LLOYD.

(Total, 21 males. Standing, 4 years.)

The examination was begun at half-past nine in the morning. The average display of the pupils' ability, shown by their exercises in Felter's Primary Arithmetic—namely, numeration, addition, subtraction, and multiplication—was fair. The teacher remarks in his programme, that "Some have made a beginning in division, but their progress has been retarded by the backwardness of the rest." Here it may be proper to remark that at all schools, both deaf-mute and hearing, the scholars of every class always vary more or less in quickness of understanding in this important branch of education.

The exercises and recitals of the pupils in the above class in Goodrich's Child's History of the United States; Peet's Course of Instruction, Part III; Peet's Scripture Lessons; Conversation Questions; and Original Sentences, using the verbs in Peet's Languages Lessons, were good and as correct as could be expected of them.

CLASS V., DIVISION I. TAUGHT BY ROWLAND B. LLOYD.

(Total, 22 males. Standing, 5 years.)

Their exercises in Ray's Elementary Arithmetic, embracing notation, addition, subtraction, multiplication, division, Federal money and Bills; and their recitals in Parley's Universal History; Harper's Introductory Geography; International Sunday School Lessons, etc., did them much credit, and reflected well upon their efficient instructor's efforts. The general correctness of their recitals demonstrated their diligence in study.

CLASS VI., DIVISION II. TAUGHT BY HENRY D. REAVES.

(Total, 19 males. Standing, 2½ years.)

This morning class was examined immediately after the examination of Mr. Lloyd's morning class was over. Of the various studies,

enumerated in the instructor's programme, that of the Definite and Indefinite Articles, in the use of which his pupils were skillfully drilled, consumed a considerable portion of my examination, as my object was to ascertain their actual understanding of the difference between the articles.

As it is notorious that this study is one of the most if not the most difficult, to be understood by mutes, this is owing, probably, to the popular manner in which most of the instructors of the deaf in this country have explained and are still explaining the articles. I subjected Mr. Reaves's pupils to a rather rigid examination, and was much pleased with their perfect understanding of the express meanings of the articles. Their instructor, who is a most finished sign-maker, gave me two specimens of his skill and success in this difficult task.

In case all the teachers adopt and practice Mr. Reaves' manner continually, most of their pupils may in all probability be enabled to use the articles correctly in their composition. In the other studies, his pupils' exercises and recitals, considering the shortness of their standing in school, were good. I was struck with the readiness with which they recited the Ten Commandments, which I in person gave them at random, one Commandment to each boy in the class.

CLASS VI., DIVISION I. TAUGHT BY HENRY D. REAVES.

(Total, 20 males. Standing, 8 years.)

Collectively speaking, this afternoon class did not appear to differ greatly from the morning class in the knowledge of the articles; in quickness in arithmetic; and in the correctness of their recitals in history and Scripture lessons. As it is common that remarkably bright minds are found among ordinary minds, some of the pupils in this class, and also those in the morning class, and those in Mr. Lloyd's classes, were found to possess more than ordinary intelligence, seeming to predict their high scholarship in their manhood.

Mr. Reaves, in his programme, writes:—"The teacher (himself) has been desirous of teaching the class the important principles of grammar, by which they could have, without much difficulty, gained a ready command of the English, but other studies have occupied nearly all their time, and consequently he has taught them but little of these principles."

It would certainly have given me pleasure in reading their grammatical exercises, had, even the simplest principles of grammar, been brought in the programme expressly for the benefit of the examiner.

Notwithstanding the importance of teaching all scholars the principles of grammar, which literally embody the skeleton of a language to be learned, without which the mind cannot gain growth and strength, I think that Peet's Language Lessons, without the regular grammar

now in vogue, were sufficient for the purpose in the classes of Messrs. Reaves and Lloyd, and what was performed gave me satisfaction.

JOHN CARLIN.

REPORT OF REV. E. L. CLARK.

NEW YORK, 29 West 130th St., June 17, 1880.

DR. I. L. PEET :

MY DEAR SIR :—I have to-day examined two classes, taught by Miss Jane T. Meigs, and two under the care of Miss J. L. Ensign.

It gives me to pleasure to say that I was in every way satisfied with the results of the year's work.

The care taken in implanting the sense with the words was especially noticeable in Bible studies. I could but wish our chairs of theology were as well filled. "Mother Eunice and Grandmother Lois" have faithful followers. In a few instances, where the words were not held exactly in mind, the meaning was not lost. For example, one of Miss Meigs's young ladies interpreted, according to her standpoint, the Tenth Commandment, "Thou shall not covet thy neighbor's *son*."

Questions which led into side paths were largely seized upon, giving promise of an interest in coming work. Indeed, I may say, that I have never seen so much zeal in the work of learning elsewhere.

If the ability to impart a love of study be a teacher's gift, and I take it that no ability is so desirable, these ladies are above all praise.

Historical studies under the hands of the scholars are as near pictures as they can be; yet their acquaintance with fact, and dates did great credit to them. By what means the two faculties are combined here I know not. My observation teaches me that students as a rule fall to the one side or the other. These have both.

In grammar they give practical evidence of marvelous skill. The swiftness with which they express themselves—often in idiomatic form—is my envy. In not one instance did I fail to comprehend their expressions.

As for penmanship—I was fairly ashamed of my own.

I fear that I shall seem rather an eulogist than an examiner; but as I have been among students constantly for thirty-four years, I may say from some experience, that I have never attended so able and satisfactory an exhibition of skill in imparting and receiving a love for study and the fruits thereof.

Yours Respectfully,

EDWARD L. CLARK.

REPORT OF MR. THEODORE PEET.

NEW YORK, June 18, 1880.

I. L. PEET, LL.D. :

DEAR SIR :—At your request, I examined, on yesterday, both divisions of the class at the New York Institution for the Instruction of the Deaf and Dumb, taught by Mr. W. G. Jones. I give you here some of the results that struck me most forcibly. To put into writing all that I saw and all the thoughts suggested, would be imposing upon you, and would occupy too much of your time. I will simply take up the programme gone through with and give my impression of each study as noted at the time. The second division was examined in the morning ; the first division in the afternoon.

Parley's Universal History.—The second division displayed accurate knowledge of the ground gone over in this study, which I judge must be far from easy to the deaf and dumb. The topics touched upon were chiefly in Ancient History.

Harper's Introductory Geography.—The class showed that they understood well the fundamental principles of this study.

Peet's Course of Instruction, Part III.—The portion studied embraced the distinction between the seasons and the various months. The language used by the pupils was fair and in several cases quite good.

Peet's Scripture Lessons.—The life of Christ was the principal topic. His birth, baptism and death, were touched upon, and the striking points of each were dwelt upon in a manner which showed that the pupils understood the mission of the Saviour upon Earth.

French's Elementary Arithmetic.—The questions given were such as tested the reasoning powers of the pupils, although confined to the simple operations, and the pupils showed a very good training on the part of the teacher, in reasoning.

The Book-keeping books had been kept with care and neatness, looking rather better than the model letter books ; the latter, however, showed a good attention on the part of the pupils in the copying of the letters written for them during the year.

The examination of the first division of Mr. Jones's class was made in the afternoon. As a whole, it was easy to see that this division had been longer under instruction than the other.

Parley's Universal History.—The examination was made impartial by the use of cards. The recollection of dates was very good. The principal topics were well dwelt upon, and discussed with proper brevity and conciseness.

Harper's School Geography.—The pupils displayed, in particular, a knowledge of the different parts of the United States, and what

products and manufactures the various portions of the country are noted for.

Swinton's School Composition and Language Primer.—The definitions given by the class were in the main accurate and comprehensive. In general, the language used by the class in all the examination exercises was clear and good.

Foster's Story of the Bible.—Chiefly the story of Adam and Eve and the Flood.

French's Elementary Arithmetic showed good and careful instruction. The Book-keeping and model letters deserve the same encomium that has been given to the pupils of the second division.

The examination showed that the pupils had an amount of knowledge much in advance of what I had supposed.

Yours Very Truly,

THEODORE PEET.

REPORT OF MR. JAMES MONTEITH.

NEW YORK, June 25, 1880.

To the Board of Directors of the New York Institution for the Deaf and Dumb:

GENTLEMEN:—It has been my pleasure to examine the first and second divisions of Class I. of the Institution under your charge. These classes are now taught by Mr. F. D. Clarke.

Having always an intense interest in all that pertains to a school-room, I felt especially attracted, on this occasion, to the peculiar methods of imparting instruction.

My experience has always been in schools whose pupils labored under no such disadvantages as do the deaf and dumb; and I was, therefore, unprepared at first to measure the greater labors which their teachers must and do perform. As I proceeded with the examination, not only placing myself in direct communication with the class, by means of the pencil and chalk, but also by requesting the teacher, now and then, to conduct a portion of the exercises, I soon discovered that the work of an instructor of the deaf and dumb is immeasurably greater than that of any other teacher.

The first exercise was in the form of an address, written by each on the black-board. This showed at once their knowledge of grammar, style of expression, line of thought, chirography, etc.

In all cases, I was much impressed with the diligence and patience which must have been excited by the teachers under whose care these

young men have passed during their seven or eight years' training in the Institution.

From the exercises in composition, I learned that one of their teachers—Mr. Van Nostrand—died in November last, and I observed the earnest expressions of their respect and affection for him. None failed to mourn his loss, and to mention gratefully his many excellencies. This proves that something besides mere scholastic training prevailed there—that the heart as well as the intellect was faithfully cared for and directed, in the very able and comprehensive management of this Institution.

In those portions of the several branches of study in which these two divisions were examined, the young men showed hard study and faithful teaching. Evidently it was their teacher's aim to make them *thorough* in what was presented to them, rather than to hurry them over more ground with less real *education*; in this he is to be commended.

I might enter more into details, but suffice it to say that no examiner can fail to see that the moral and intellectual training pursued in this Institution is of the highest order, and that the efficiency manifested in its entire management guarantees for it a continuance in the public estimation of that pre-eminence which it has so long enjoyed.

Very Respectfully Yours,

JAMES MONTIETH.

MR. JOHN CARLIN'S REPORT OF THE EXAMINATION OF THE ART DEPARTMENT.

June 18, 1880.

A collection of many drawing books, water-color paintings, pastel works and color-tints, by pupils from the various educational classes, was set forth in Miss Hagadorn's drawing school for my examination.

The following programme, presented to me by the fair teacher, gives full information concerning the books and materials for their use, her labors and the division of pupils in drawing classes, and makes some suggestions which I cordially approve:

"This term, I have taught drawing in both divisions of all the classes excepting Miss Montgomery's. I have a select class every Friday, composed of the pupils from the various classes, that show a decided taste or talent for drawing. This class have two hours' instruction. The girls, the first two hours in the morning and afternoon, and the boys the second two hours in the morning and afternoon.

"Besides this, I teach a portion of Mr. Currier's second division in their own school, while the brighter ones are in the drawing room. The younger pupils, such as compose the classes of Miss Toles, Miss Barrager, Mr. Gamage, and Mr. Lloyd, and Mr. Reaves's second division, use Walter Smith's drawing card exercises on the large slates.

"The first division use his System of Drawing, three books in the Intermediate course. The other classes use the same books with the addition of the freehand course, six in number.

"In addition to this, some of the pupils in Mr. Clarke's and Miss Meigs's classes use blank drawing books and copy pictures from illustrated papers, such as Harper's Bazar, etc. These pupils, having gone through all the other books, are allowed their own choice of subjects, and several have shown a marked improvement during the year. These pupils also belong to the select class. This class includes all the High Class girls in the first division, and they have drawn in pencil and crayons; painted in pastel and water colors; both from copies and from nature; and have also painted on wood in water colors. Some of them could paint in oil if we had a suitable room set apart for this work only. A separate room is greatly needed for the use of pupils in oil painting; and would soon cause a great improvement, and would enable the pupils to earn their own living, decorating window boxes, etc., which would find a ready sale, and enable them to buy their own material and so save the Institution all expense. Some of them could begin at once and buy their own oil paints, but having no suitable room, it has not been attempted. If it were considered wise to set apart a room for oil painting, many of the pupils could bring their paints, etc., from home.

"It seems to me that the pupils should have every encouragement to improve themselves in drawing and painting, as some of them have not the strength of body, necessary to enable them to earn a good living at a trade, and to such, painting, etc., would afford a pleasant and profitable means of earning a living. It would also be useful to those who can work at a trade, as it is so much easier to illustrate plans by means of drawing than to explain the same in words or in writing. And as a deaf-mute can not always secure the command of language that their more favored brothers and sisters do, it seems all the more important that they should be encouraged to illustrate their ideas by means of drawings, which would also serve to explain things they see, but can not understand. For instance, I have had some of my little pupils tell me what they have seen, and wishing to test their memory, I have asked them to draw that which they were trying to explain in signs and words, but not having a sufficient knowledge of language could not make clear. One drew the picture of a bob-sled, and wanted to know the name of it.

This is only one of the many instances I could give which prove that drawing is really an important branch of education to the deaf-mute and not the mere accomplishments some suppose it to be."

The programme, introduced above, gives all information concerning the books and materials in use, the teacher's labors, and the division of pupils in drawing classes.

Of the efforts of the learners which I have examined, I am happy to state that they all demonstrate the industry and efficiency of Miss Carrie V. Hagadorn as a drawing teacher, and, therefore, I respectfully beg to recommend that a suitable medal be made and awarded to her, and also to propose the following list of prizes and of diplomas of honorable mention to be awarded to the pupils:—

Of the water-color paintings, which are neatly executed, the picture of "Flowers," marked No. 1, by Annie C. DeCoster, being exceedingly well drawn and superbly painted, and therefore, by far the best production in the whole collection, is awarded—The highest prize.

The picture of "Lilies of the Valley," No. 2, by Mary H. Whitehead—Honorable mention.

The paper-cutters, Nos. 1 and 2, neatly painted with flowers, by Mary H. Whitehead and Florence C. Woods—Honorable mention.

The water-color paintings, "The Apple Blossoms," by Ella Dillingham, "Horseshoe and Daisies," by Mary H. Whitehead, and "Landscape" by Annie E. Lewis, all quite well painted—one prize each.

The pastel-works, "The Circassian," by Hannah Kevitt, remarkably well done for a learner, in rich and warm tints—one prize.

"Flowers," by Ella Dillingham, and "The Kittens," by Annie Lewis, both well executed—Honorable mention.

The lead pencil drawings, The spirited humorous sketches, No. 2, 3. 4., if really original, by Waldo C. Childs—Honorable mention.

The "Rose" in outlines, Mary H. Whitehead, and the "Man with his back to the view," by Herman Zorn—Honorable mention.

The Drawing Books—No. 4, by E. Streiner, the lines of which are wonderful and faultless in execution—a prize.

No. 8, by Henry Huyskamp, done in a masterly manner—a prize.

Nos. 5 and 6 by Annie DeCoster and Henry Huyskamp—Honorable mention.

The crayon work, "A Portrait," by Waldo C. Childs—Honorable mention.

Respectfully submitted,

JOHN CARLIN.

REPORT OF MR. DARIUS H. PINGREY.

NEW YORK, June 25, 1880.

To the Board of Directors of the New York Institution for the Instruction of the Deaf and Dumb.

GENTLEMEN:—By invitation of A. T. Brown, Esq., Chairman of the Committee on Examination, I was present at the annual examination, June 17th, 1880. On my arrival at the institution, the worthy and efficient Principal, Dr. Peet, conducted me to the primary grade where the foundation of the deaf-mute's education is laid.

The examination of this department was in progress. Here, by a course of object lessons, the pupil is made acquainted with the names of objects, and then is led from a knowledge of the names to the synthesis of sentences. Care is taken that the sentences are so formed as to describe the actions performed upon and with the objects, thus leading to the correct use of all the parts of speech.

The pupils answered readily the questions, and passed a good examination. The language lessons are complete and thoroughly systematized. If systematized knowledge be science, and the successful impartation of this be art, then Dr. Peet has both science and art in his *modus operandi* for the instruction of the Deaf and Dumb.

In going from class to class in the different departments, a regular gradation of scholastic proficiency was manifested.

The classes in articulation and lip-reading showed a marvelous degree of skill in the enunciation of words and in reading the lips of other persons when speaking. Some of the pupils were called to read from books. Their articulation and emphasis did not betray the fact that they were deaf;—to call them dumb would be a misnomer.

Two boys recited a dialogue with clear and distinct enunciation, without mouthing the words. Others conversed intelligently on various topics by reading the motion of the lips, not hearing a word that was spoken. This class has made great progress in lip-reading.

The class of blind deaf-mutes is instructed by means of the manual alphabet, and the knowledge thus obtained is great. These mutes talk by touching the hands of others, and read the signs as they are made. One of the blind mutes was manipulating a typewriter with a good deal of skill, writing very well,—in fact he seldom made a mistake. He was quite well read. He answered without hesitation questions in the United States History, and was versed in the Scriptures. He had read several of Shakespeare's plays, and expressed his preference for *Romeo and Juliet*. He also branched out into politics, giving his choice of candidates for the presidency

and the reason why. In order to fully appreciate the wonderful strides made by these blind mutes, one must visit them and witness their recitations.

The High Class was composed of young ladies and gentlemen. These young people are intelligent, indicating a good degree of culture. It was interesting to see these young ladies translate hymns into idioms of graphic signs. By giving these ideographic signs the pupils get a complete comprehension of the hymn which they translate, and acquire a discipline similar to that obtained in the translation of languages.

In all the classes, the pupils were prompt in answering and did not lose their composure, deporting themselves with decorum. Their examination showed that they had been drilled to some purpose.

It would be inexcusable not to notice the patient fidelity of the teachers and their untiring devotion to their work. The work of this Institution is great, showing that practical Christianity can be made available.

I was much gratified with the examination as far as I was able to witness it, and believe this Institution is accomplishing a great work.

DARIUS H. PINGREY.

REPORT OF REV. GEORGE PAYSON ON THE EXAMINATION OF THE HIGH CLASS.

New York, June, 1880.

To the Board of Directors of the New York Institution for the Instruction of the Deaf and Dumb :

GENTLEMEN :—It was my privilege on Thursday, the 17th of this month, to pass the day in the examination of the High Class. This class has been, during the past year, as you know, under the care of Prof. Weston Jenkins, A.M., and has made commendable progress. I take pleasure in reporting that the examination, which I was permitted to attend during seven or eight hours of that day, has left very favorable impressions upon my mind, both as to the proficiency of the pupils, and the faithfulness of their teacher. When I consider the obstacles with which they have had to contend, and the measure of success which they have obviously achieved, I cannot refrain from offering to you, as well as to them, my cordial congratulations, or from expressing my conviction that none of us can fail to profit from the simple record of their most praiseworthy perseverance.

The examination commenced at 9 : 30 in the morning, and, with a single hour's intermission, lasted till 3 : 30 in the afternoon. The High Class consists of twenty male and twenty female scholars, who have been connected with the Institution for from eight to eleven years ; and all but two of these were present during the examination.

The course of study pursued during the past year has embraced Chemistry, Logic, Arithmetic, Moral Science, Physical Geography and English Composition ; besides Articulation and Lip-reading. Three members of the class have begun the study of Latin, and two have made considerable progress in Algebra. The International Sunday School Lessons have also been studied from week to week, and portions committed to memory by the entire class, while the teachings of each lesson have been enforced and illustrated by their instructor.

It is a pleasure at all times to be able to praise the work of another ; but especially is this the case when, as in this instance, the success achieved is plainly the result of faithful labor in the face of immense difficulties ; and it gives me very great pleasure, therefore, to say that the work of Prof. Jenkins, and his pupils is worthy in this regard, of the highest commendation. Of course we find among deaf-mutes the same variety of talent and aptitude for study, which exists among the pupils of our common schools ; and the results of their efforts after self-improvement must be judged accordingly. Some are more intelligent than others, and some more studious. Some have superior literary ability, which seems to be inherited, and some display more than ordinary taste for mathematics or the languages, so that with comparative ease they may be enabled to excel in these branches. The keen perceptive faculties of a few give them easy distinction in the class-room or upon examination, while the sterling virtues of the many may be disguised under the garb of apparent dullness or indifference.

And yet, while these contrasts, which are common to all young people, obtain among the pupils of this Institution, it must be owned that deaf-mutes, and especially congenital deaf-mutes, labor under peculiar difficulties. Many have never heard the spoken language. For most practical purposes it is to them a foreign language. Signs and symbols are their native tongue. They revel in these. These are what touch and move them most deeply. And spoken words or written words are cold.

Besides all this, I apprehend, that to those who are accustomed to the use of the sign-language, ellipsis must become a very common figure of speech, and when a whole sentence has been conveyed to the mind by a single motion of the arms or hands, the necessity of writing it out, word by word and phrase by phrase, must appear at all times very cumbrous and unnatural, and oftentimes quite burdensome.

If this supposition is correct,—and I fancy it is not far from the truth,—the most natural consequence would be that deaf-mutes should be found, occasionally, to use words and idioms which in ordinary pupils would be astonishing and amusing, but which from those who are accustomed to this foreign language, are, perhaps, to be expected. These things I have observed, and it is not perhaps impossible,—if I may be so bold as to venture an opinion upon the subject,—that with greater care throughout the whole curriculum of instruction, these faults might be entirely overcome, and the graduating class be enabled in all cases to write the English language with the most satisfactory perspicuity and freedom. But these are the only infelicities I have observed. And I am bound to add in this connection, that several members of the present class showed remarkable ability in this respect. Not only did their written answers exhibit no faults of grammar or diction, but they were expressed with such felicity of style, and with such extraordinary force and clearness, indeed, as excited my admiration. They would have attracted attention anywhere, and among any class of pupils whatever; and when we consider the immense and numberless difficulties with which they have to contend, the authors of those papers are certainly deserving of our warmest praise. Indeed, the poorest scholar in the class is entitled to no little sympathy, and I trust the kindly utterance of these honest words of criticism may lead them one and all to draw some inspirations from the present and the past, and to ever bear in mind,—

“ The true devoted pilgrim is not weary
To measure kingdoms with his feeble step.”

The examination for this year began with Chemistry. With this branch of the natural sciences, we were engaged for nearly two hours. Written questions were first taken by each scholar and answered in full with pencil and paper; after which an oral examination, interpreted by Prof. Jenkins, and covering the field of inorganic chemistry, showed, even more clearly than the other, that the lectures to which they have listened from Prof. James Hyatt, of this city, and the instruction which they have received both from him and from Prof. Jenkins have been productive of good results. The class appeared to be as well acquainted with this branch of their studies as any class of the same age in our common schools.

The following extract from a paper on “ Animal heat ” will illustrate the character of their answers :—

“ Animal heat is produced by the things which we eat, which become dissolved through our blood, and, together with Carbon, Oxygen and Hydrogen, form the fuel of our bodies.

“ The amount of fuel required by our bodies is very great,

and varies according to our occupation. Those people, such as farmers and others who have to do a large amount of work, need more than those who do light work. The heat of our bodies is increased or decreased according to the amount of exercise we take. When we do much walking, or move about *quickly*, or are excited, the temperature is raised, and it is lowered when we are inactive."

The class displayed a creditable acquaintance with Logic. They have used Hedge's Logic as a text-book, and the ground upon which they were examined covered:—

- (1.) A brief account of the mental faculties,
- (2.) A treatise on terms and prepositions, and
- (3.) An analysis of the various kinds of reasoning.

This subject afforded an opportunity for the pupils to display not a little originality of thought and independence of judgment, and several of the written answers to questions proposed both by their instructor and myself, evinced an acquaintance with current events and a fund of native humor, which it was all the more pleasing to find, because we are apt to imagine that the deaf and dumb live in a world by themselves and have but little of the ordinary enjoyments of life.

The following extract from one of the papers on "Attention" is perhaps worthy of special notice.

"Habitual attention in any pursuit, sharpens the wits of those exercising it, so much so, in fact, that the skill shown in the particular channel to which it may be applied is often surprising to those unacquainted with what can be done when more than ordinary attention is devoted to a certain object. Indeed, so astonishing have been some of the results arrived at in many instances, that they have been attributed by some to 'genius,' when the real cause was that attention, close undivided attention, was the real agency and not extraordinary genius. It cannot, of course, be denied that genius, in a few isolated instances, does exist, but those with no showing of it, (and the greatest number of those who have achieved success, belong to this class) have as much chance to rise to giddy heights in any particular branch of science, literature or the arts, as the most gifted."

After illustrating his thought in various ways by reference to sailors epicures, musicians and others, he adds:—

"In the case of James Caton, one of our blind pupils, we see another instance of what can be done by attention. His skill in the use of his type-writer, and in understanding the meaning of others through the medium of signs and raised letters, is the fruit of a close attention to those details. In fact, attention is absolutely necessary to success, en-

tering all kinds of pursuits, whether of the mind or of the hand, and a lack of it is quickly followed by disastrous results."

Next to Logic, followed an examination in Arithmetic in which it was very apparent, as their instructor said beforehand, that the attainments of the pupils were very unequal. The inequality was more marked in this than in any other branch upon which all the class were examined ; and partly for this reason, and partly because all engaged were more or less weary when arithmetic was taken up, the examination in this study was less satisfactory than in the other two. However, some of the pupils evinced no little skill in working several difficult problems. The most advanced scholars in this class have gone through Brooks's Normal Arithmetic, and will compare favorably with those of their age who are not deaf and dumb.

In Physical Geography the examination of the class was well sustained. The following paper by one of the young ladies, is a fair illustration of their attainments in this branch.

Question.—"What is the meaning of land and sea breezes?"

"Land and sea breezes act nearly after the same principle as the currents in the ocean. During the day, the land, being unable to hold such a vast amount of heat as the sea, gets warm sooner, and as the warm air expands and rises, the cold air from the sea blows over to fill its place, thus forming a sea breeze. As evening sets in and the air grows cool, the land, having taken to itself but little heat during the day, soon loses it, while the more *saving* ocean has plenty, and is consequently comparatively warm. The air about, being heated, expands, and the land breeze rushes over to supply the deficiency."

Question.—"What are water-spouts?"

"Water-spouts are a kind of whirl-winds peculiar to the sea. The sea which is generally calm, with but few waves, soon sends up a long spout of water which, coming in contact with the lowering clouds, gives an appearance of a twine rope well twisted in the middle. A ship, if in contact with one, would doubtless be carried down. A storm often follows the appearance of a water-spout, but the rain which falls is not salt, which proves the clouds did not take their water from the sea."

The examinations in Latin and Algebra were necessarily very brief, as the time was limited ; but, so far as they were carried, were not less satisfactory. In Articulation and Lip-reading, the progress made by the semi-mutes is very remarkable and most deeply interesting. One young man recited with a most creditable degree of success, a poem by Alexander Pope, concerning whom he afterwards entered into a conversation with his teacher, which was carried on entirely with the lips and voice.

Upon the whole, as I review the work of that day, and estimate the

amount of toil, and care and painstaking which such results evince, I can but feel that you, Sirs, and the Faculty of this admirable Institution have just reason to congratulate yourselves upon having such a teacher, and such a class with such a record of another year's hard work. For my own part,—and here I beg your indulgence for a single word of personal reminiscence,—while I pondered upon the various proofs which they were giving me of courage, patience and perseverance in the surmounting of obstacles which well might daunt the stoutest heart, I felt myself under examination in their presence, and silently rebuked for want of all those qualities which every one who gains distinction in this work must certainly possess. And I thanked again the Father of Light, whose love still gleams from every shadowed wave of life, that even shadows prove the light and point us to the Luminary in the skies, who shines for all and shines for evermore.

GEO. S. PAYSON.

CLOSING EXERCISES.

The closing exercises of the year were held in the chapel of the Institution at 3 P.M., on Wednesday, June 23d, before one of the largest and most appreciative audiences that it was ever our good fortune to entertain at the Institution.

The large attendance which has always marked these closing exercises, has been a proof of the deep interest which an intelligent public takes in the work of deaf-mute instruction. This year, it was not anticipated that there would be so large a gathering as that which has always cheered and encouraged us by its presence, for the train from 30th Street, which formerly stopped at the grounds of the Institution, was discontinued, and most of the audience came by the Elevated Road and took the long walk from the Station at 155th Street and Eighth Avenue, to the Institution. But in spite of all this, the Chapel was filled to its utmost capacity by an audience whose interest did not flag from the beginning to the end, and many, who were unable to obtain seats, stood through the whole programme.

The exercises were opened by an eloquent prayer by Rev. Dr. Stoddard. After this, an exhibition of the processes of Instruction was given by the Principal of the Institution, I. L. Peet, LL.D. These exercises consisted of elementary exercises with children less than one year under instruction, exhibiting the first steps in the instruction of the deaf and dumb as practiced at the Institution, exemplifications of the beauty and expressiveness of the sign-language by selected pupils, including the rendering in signs of several poems, etc.

Evidence of the results of the instruction of the deaf, dumb,

and blind was given by an address written on the type-writer, in the presence of the audience, by James H. Caton, the oldest member of the class. In this address the writer, of his own accord, remembered to thank his friends present for their generous contributions at the exhibition in the Broadway Tabernacle for the purpose of buying him a type-writer, and graphically described how it had been a great means of improvement, and a great comfort to him. The instruction of the blind deaf-mutes was farther illustrated by a dialogue in the manual alphabet, by James H. Caton and Martha Morehouse, translated to the audience by their teacher, Mr. W. B. Peet. Some 'parting thoughts' by members of the graduating class, were then given, and answers to questions proposed by the audience to members of the High Class. Exercises in Articulation and Lip-Reading filled up the time while these were being written.

The following Valedictory and Class Poem, written by Frederick R. Stryker, were delivered by him in graceful and graphic signs, and read, *pari passu* by the Principal, for the benefit of those who did not understand signs.

VALEDICTORY.

Ladies and Gentlemen :—Over a century ago, our country, oppressed by unjust taxation, arose in all her dignity and strength to shake off the galling yoke of submission to a distant realm which imposed taxation without permitting representation, to battle for freedom for her people and for recognition as an independent power among other nations. Independence was not accomplished without a struggle—a struggle of eight long years' duration, in which the blood of many a patriot was shed—a struggle which ultimately resulted in victory, and brought liberty and happiness to the land. For over a hundred years has our country maintained its freedom, guarding with jealous care the slightest encroachment upon the liberties of her people.

Once, and only once, in the history of the nation, has dissension manifested itself among her people. From the beginning of her independence, the only hindrance to her still greater prosperity, was the curse of slavery. But, recognizing the danger which menaced the national life, with one accord the people turned and crushed the loathsome serpent which had so persistently eaten at her vitals; and relieved of this one blot, she took a stride in prosperity and greatness unparalleled in the history of the world.

Our history has not been written upon the page of time, in blood. "Peace and Prosperity" has been our motto, love and brotherhood the secret of our greatness. No cruel wars, undertaken from motives of selfish ambition, have spread devastation and misery over our land.

The pen has taken the place of the sword ; knowledge and happiness that of ignorance and misery.

We have not been so fortunate in escaping lesser calamities—lesser in one sense only. Yellow fever, that scourge of humanity, all efforts to overcome which have proved unavailing, has, within a few years, twice appeared in our midst. And twice has self-sacrificing benevolence manifested itself among the people—benevolence born of Christianity, and benevolence that the recollection of civil strife could not extinguish.

Our elections of 1876 established our superiority over the world. In no other country upon the globe could such a crisis as the one then existing have been met without plunging the country into war. The decision of a disputed question which involved the governmental control of a nation for the period of four years, and which had been intrusted to a commission of fifteen, although distasteful, to the wishes of millions, was submitted to in silence and with scarcely a murmur.

During all these years of our country's progress, our institutions of learning have not been neglected. Especially is this true of those for the instruction of the deaf and dumb. By slow and cautious advances, obstacle after obstacle, the surmounting of which has hitherto been deemed an impossibility, has been overcome, and well may we proudly add, that the institutions of to-day devoted to this benevolent purpose, are the magic wand which has waved aside the obstacles which blocked the path of knowledge and usefulness to those to whom the blessed power of speech is denied. What work can be nobler, what more deserving of praise ?

Honorable Gentlemen of the Board of Directors :—You, in a great measure, have been instrumental in bringing about this happy result :—of lifting us from the lowest depths of ignorance to a degree of enlightenment all the more wonderful considering the many difficulties surmounted. Always on the alert to take advantage of every new device which gave promise of beneficial results to those committed to your care, the Institution may justly boast that she is inferior to none in the diffusion of knowledge, and in the intelligent, and well-educated mutes who annually leave her halls fully equipped for the struggle of life.

That you will, aided by Him who doeth all things wisely and well, continue the good work so far thus successfully accomplished, is our earnest desire, and when you obey the Maker's call, may it be to join that heavenly throng where labor is unknown. Farewell.

To the Principal, Professors and Teachers :—Words are inadequate to express the pain it gives us to say farewell to you ;—you who have

so patiently and disinterestedly labored for our moral and intellectual welfare. Comparatively heathens, as we were, with little or no knowledge of the blessed influence of Christianity, you pointed out the beacon light and instilled into our hearts those precepts which will guide our steps to that haven of rest where sorrow never comes. Through all our trials and disappointments you have been the same counsellors and friends as when the sky appeared all sunshine, gently but firmly chiding us when we strayed from the path of virtue, and ever striving to lead our hearts to Him who said, "Suffer little children to come unto me." For many years we have had the benefit of advice which in after years will be treasured up as pearls, and the thought that no more will your wisdom and kindness be our support is indeed hard to bear. But by endeavoring to follow, in the future, the counsels so freely given in the past, we shall, in a measure, be reconciled, and when you are called away from this earthly home, we hope, sometime, "to meet you in that happy land where parting is unknown." Farewell.

To the Superintendent and other officers of the Administrative and Industrial Departments:—Through your untiring efforts, our home has been made pleasant and attractive, our time, when not devoted to books and play, carefully utilized in the development of our mechanical tastes. The shops have been made the source of pleasant recreation for both mind and body after the fatigues of study. It gives us no little pain to say adieu to you, who by the exercise of Christian patience, have endeavored to lead us to such a knowledge of the industries as, combined with the education acquired, will the better enable us to battle with life. We shall always think of you with grateful remembrance for your labors in our behalf, and hope that you will meet with your reward. Farewell.

Classmates and Schoolmates:—The saddest thought of all is that we, too, must part; we, who have been as brothers for many a long year, sharing all our joys and sorrows, and exchanging that sympathy with each other, which none but those who experience it can fully appreciate. For many years we have been as one family, surrounded by all the blessings of a Christian home, with kind friends ever anxious to aid and encourage in all that related to our spiritual welfare. Their advice and counsel have often been unheeded, but we are sure that many admonitions have taken deep root in our hearts, which the influence of time will cause to blossom and bring forth good fruit. On an occasion like the present, when we are distressed by the thought that to-morrow's sunset will see us parted by many miles, it is hard to realize the fact that we have, for the last time, trod the halls of this majestic building. But such is

the mournful truth, and unable to avert it, we should strive, with all the means in our power, to do honor to the teachings of dear old Fanwood. Farewell.

CLASS POEM.

Here at last we all are gathered,
Waiting till the day is o'er ;
Far apart to-morrow scattered,
We're to meet again no more.

And our minds are carried backward
To the days that now have fled ;
When we schemed and plotted mischief,
By some reckless urchin led.

When from out the fount of knowledge,
Learning's light dispelled the shade,
Then we knew more manly feelings,
Were by nobler instincts awayed.

Here, upon these grounds historic,
By Our Country's father trod,
Where all nature seems to flourish,
Springing to the touch of God ;

Often on the winding pathways
Leading down among the trees,
In the spring time have we sauntered,
Fanned by heaven's balmy breeze.

Here, amid the snows of winter,
Ruddy-faced and sorrow free,
With glad hearts and heaving bosoms,
Have we rushed in boyish glee.

Now a sterner life's before us ;
Let us meet it bravely then,
Let us prove the Class of '80
Can and will be gallant men.

But as years glide by, we'll ever
Cherish Fanwood's noble name,
As with eager steps we travel
Onward in the race for fame ;

And with grateful hearts remember,
If reward we cannot give,
We can honor those who told of
Him who died that we might live ;

Told us of the world beyond us,
Where, with heaven's eternal King,
We with ears unstopped would listen,
And with tongues unloosed would sing.

We will keep in view the precepts
Which these teachers have instilled ;
Be our lives replete with gladness
Be our cup with sorrow filled.

In our struggle in the future,
Though we feel the chastening rod,
Let our motto be : " Old Fanwood,
And allegiance to our God."

After the delivery of the Valedictory address, during which the author was visibly affected by the feelings which it called up, the report on the Examination of the High Class was read by Rev. George S. Payson. The Chairman of the Committee on the annual Examination then made a partial report, embodying the following preamble and resolutions which had been passed by the Board of Directors on recommendation of the Committee, after which the prizes and diplomas provided for therein were awarded by the Principal to the individuals thus entitled to receive them.

PREAMBLE AND RESOLUTIONS.

WHEREAS, An examination of State pupils in the New York Institution for the Instruction of the Deaf and Dumb has been held by the Committee, appointed by the Board of Directors for that purpose ; and,

WHEREAS, the same has been found satisfactory with regard to the attainments and conduct of the following named pupils, viz :—

John R. Becker,	Sarah B. Fisher,
Thomas Bentley,	Mary Gallagher,
James F. Donnelly,	Katie Hunt,
Ulysses G. Dunn,	Maragaret Highfield,
Thomas Jamieson,	Ida Jones,
Lucas C. Lancaster,	Mary Kennedy,
James B. Lloyd,	Mary A. Meade,
Eugene Matthews,	Elizabeth C. McMillen,
Gifford J. Noble,	Anna Marks,
George Pezara,	Bertha Petersen,
George Perkins,	Eugenia Rogers,
Myron R. Palmer,	Catharine Shieck,
Louis Reinboldt,	Sarah A. Stebbins,
William G. Shanks,	Edith Babcock,

John Vallely,

who have completed, or, within the coming academical year, will complete the term of five years, for which they were originally selected as State pupils by the Department of Public Instruction ; therefore,

Resolved, That the said pupils be, and they are hereby recommended to the Superintendent of Public Instruction ; to be continued under instruction for three years, from and after the expiration of their several terms, agreeably to the existing provisions of law.

Resolved, That the following named pupils, the term of whose appointment has expired, or during the coming year will expire, be and

they are hereby recommended to the Superintendent of Public Instruction to be continued under instruction :—

Waldo C. Childs, for 1 year and 1 month from Dec. 6th, 1880 ;

Washington A. Gordon, for 11 months and 11 days from Sept. 1st, 1880 ;

Dennis Sullivan, for 2 months from May 4th, 1881 ;

to make up time lost by reason of absence from the Institution.

Resolved, That

Charles D. Newton,
Charles E. Card,

Myra L. Barrager,
William Innis,

Elmer E. Smith,

who have completed, or, during the coming year will complete, the full term authorized by law as State pupils, and who have passed a satisfactory examination, be, and they are hereby recommended to the Superintendent of Public Instruction to be selected for admission to the High Class on the expiration of their several terms.

Resolved, That a copy of the foregoing resolutions be forwarded to the Superintendent of Public Instruction for his action.

Resolved, That it be recommended to the Governor of New Jersey to extend the terms of the following pupils for three years, according to the provisions established for admitting pupils into the High Class, viz :—

Anna C. Bryan,

Louis Brede,

Peter Brede.

Resolved, That a copy of the foregoing resolution be forward to the Governor of New Jersey.

Resolved, That, in accordance with the provisions of the by-laws of the Institution, certificates of good scholarship and character be given to the following named pupils, who have successfully completed a course of five years' instruction, viz :—

John R. Becker,
Isaac B. Bowker,
Thomas Bentley,
Anthony P. Caunon,
James F. Donnelly,
Ulysses G. Dunn,
Robert C. Heller,
Henry Huyskamp,
Thomas Jamieson,
Peter Kinney,
Lucas C. Lancaster,
James B. Lloyd,

Sarah A. Daven,
Calcine B. Felver,
Sarah B. Fisher,
Mary Gallagher,
Katie Hunt,
Margaret Highfield,
Helen E. Housel,
Ida Jones,
Mary Kennedy,
Mary A. Meade,
Elizabeth C. McMillen,
Anna Marks,

Eugene Matthews,
Gifford J. Noble,
George Pezara,
George Perkins,
Myron R. Palmer,
Lonis Reinbolt,
Austin Sinclair,
William L. Salter,
William G. Shanks,
John Vallely,
Calvin N. Van Pelt,
Heinrich Wentz,

Grace Mills,
Kate E. O'Sullivan,
Bertha Petersen,
Eugenie Rogers,
Mary W. Somers,
Moneka Schwan,
Catherine Schieck,
Sarah A. Stebbins,
Josephine H. Van Pelt,
Mary Vogel,
Edith Babcock,
Mary E. H. Closson,

Anna C. DeCoster.

Resolved, That the following named pupils, who have completed an eight years' course of instruction, are entitled to diplomas, and that the same be given to them, viz :—

Edmund A. Barry,
James Burns,
Louis Brede,
Peter Brede,
John Cain,
Melvin E. Clair,
George W. Cruickshank,
Charles E. Card,
Edward Dunlap,
Nelson Duryee,
Charles D. Edmonston,
William F. Esslestine,
Thomas Halloran,
William Innis,
Eli Kelder,
John J. M. Knowlton,
Dennis Mahoney,
Edward McGann,

John R. Mornhinway,
Charles D. Newton,
Walter Proper,
Thomas Quinn,
John E. Shants,
Elmer E. Smith,
Wilbur D. Stillwell,
Charles A. Tantum,
Myra L. Barrager,
Annie C. Bryan,
Mary Gloyne,
Annie L. Gould,
Julia Kennedy,
Kate Rodgers,
Eva E. Sullivan.
Clara Post,
Elizabeth Streiner,
Jennie L. Thompson,

Mary E. Tharp.

Resolved. That diplomas of the highest grade be given to the following named pupils, who have completed a full course of three years' study in the High Class, viz :—

Charles S. Doane,
Alfred Emmons,
Stephen F. Sloat,

Frederick R. Stryker,
Annie E. Lewis,
Kate C. Shute.

Resolved, That the Cary Testimonial be awarded to Elmer E. Smith, for superiority in scholarship and character.

Resolved, That the testimonial to be conferred every year, in accordance with the terms of a bequest, made by the late Harriet Stoner, upon such pupil in the Institution as has never acquired any knowledge of language through the ear, and, at the time of graduation, shall be found to have attained the highest comparative excellence in character and study, be awarded to Alfred Emmons.

Resolved, That in the department of Art, Prizes and Honorable Mention be awarded as recommended by John Carlin, Esq., the Special official Examiner and in the following order :

I. For extraordinary excellence in water color painting, a prize to Anna C. DeCoster with honorable mention of Mary H. Whitehead and Florence C. Woods.

II. For painting in water color, three equal prizes to Ella Dillingham, Mary H. Whitehead and Annie E. Lewis.

III. For pastel painting, one prize to Hannah Kevitt, with honorable mention of Ella Dillingham and Annie E. Lewis.

IV. For freehand drawing, one prize to Elizabeth Streiner, one prize to Henry Huyskamp, with honorable mention of Anna C. DeCoster.

V. For lead pencil drawing, honorable mention of Waldo C. Childs, for original sketches, of Mary H. Whitehead and of Herman Zorn.

VI. For crayon work, honorable mention of Waldo C. Childs.

Resolved, That a prize for superior excellence in language and physical science, as studied in the High Class, be awarded to Frederick R. Stryker.

Resolved, That 10 equal prizes for success in the use of the Audiophone, of the aggregate value of fifty dollars, donated for the purpose by Richard S. Rhodes, Esq., be awarded to

Mollie Pickens,	Mary A. Meade,
Ella Dillingham,	Mary A. Lewis,
Carrie L. Powers,	John Connors,
Lonisa Redner,	John Lloyd,
Anna C. DeCoster,	Herman Zorn.

All of which is respectfully submitted.

AVERY T. BROWN, *Chairman*,
 FREDERIC DEPEYSTER,
 A. M. PATTERSON,
 S. H. WESTON,
 D. H. PINGREY.

REPORTS OF COMMISSIONERS OF THE BOARD OF DIRECTORS, OF THE NEW YORK INSTITUTION FOR THE INSTRUCTION OF THE DEAF AND DUMB, TO THE INTERNATIONAL CONFERENCE FOR THE AMELIORATION OF THE CONDITION OF DEAF-MUTES, HELD IN MILAN, SEPTEMBER, 1880.

I.—REPORT OF REV. C. A. STODDARD, D.D.

GENTLEMEN :—You did me the honor to make me a representative of this Honorable Board at the International Conference for the Amelioration of the Condition of Deaf-Mutes, which was held in Milan, from September 6th to 11th. I presented my commission upon the opening of the session, and was in attendance until near the close. Dr. Thomas Gallaudet, and the Principal of the New York Institution, Prof. Isaac Lewis Peet, LL.D., were also present, and will make their own report to the Board. I propose to say a few words in reference to the Conference by way of acknowledging the honor of the appointment, which I received from the Board.

Previous to the formal sessions of the Conference, examinations were held in the two chief Deaf-Mute Schools of Milan, to which the members of the Conference were invited. The first exhibition was of the Free School, under the direction of the Abbé Tarra ; and the second, of the Royal School, entirely a State institution, under the direction of the Abbé Ghislandi. The former school has between 100 and 120 pupils ; the latter, about 50.

In both, the system of instruction is strictly by articulation. No teacher is permitted to use signs, and the pupils are also forbidden their use. The classes are small, being composed of from four to eight pupils, and sometimes with two teachers to a class. The teachers are enthusiasts in their work (as most teachers of the deaf and dumb are everywhere), and the results bear testimony to their devotion. I heard the pupils of one school recite orally the Lord's Prayer in Italian, and could distinctly comprehend every word as it was enunciated. In the answering of questions, the success of articulation was as varied as the pupils. Some spoke with a degree of fluency which was surprising. The utterance of others was slow and painful. But all made the effort to speak, and to make themselves understood. It seemed to me that the exercises in lip-reading were very nearly a failure. The teachers mouthed their words so much that they might as well have made signs, and even then were not understood when off the beaten track, and strangers who attempted to talk with the mutes, were understood with great difficulty. But in the matter of education, if

knowledge is communicated only by the lips, the results are admirable. They are so, even if books and writings are used. I examined many specimens of the year's work which were on exhibition, and they would compare favorably with the work in other institutions. The discipline, drill, general appearance, and behavior of the pupils were excellent. In these respects, Continental Schools of all classes surpass our own, and I cannot but believe that better results would be attained by us in education if we could have a stricter discipline, a regular drill, and a system of merit or demerit for cleanliness, care of clothing, and general behavior. The specimens of handiwork which were exhibited, embraced some branches which might profitably be introduced into the New York Institution. Wood carving and engraving, modelling in clay and architectural designing by the boys; and fine embroidery, drawing and sewing by the girls, were among these.

The Conference opened its sessions on Monday, the 6th of September. There were nearly 200 delegates present in the elegant hall of the Technical Institute—which had been courteously tendered for our use. The exercises were opened by addresses of welcome from the Prefect of the district, and the Mayor of the City, which were suitably answered by the officers of the Congress; and then officers for the ensuing period of three years were elected. There were present some fifty French, ten or twelve English, five Americans, and representatives from every country in Europe except Russia, and, of course, a large number of Italians. The voting was for a President and Secretary, and for a Vice-President and Secretary for each of the four great languages—French, English, German, and Italian. The Abbé Tarra, Principal of the Free School of Milan, was elected President, and Prof. Fornari, of Milan, Secretary. Dr. I. L. Peet was chosen to represent the English tongue, as one of the Vice-Presidents, and he did credit to the language, as well as to his country and its institutions.

The debates were opened by the reading of papers upon topics previously selected, relating to deaf-mute education, training and culture, the management of institutions, methods of teaching, relation to the State, and to charitable support, etc., and after the reading of these papers, general discussion was allowed. Italian was the language of the Congress, but most of the papers were in French and English, and the discussions were in French, English, German and Italian, and a *résumé* of each address was given by an interpreter in French and English. Dr. Peet presented one or two important papers, and on several occasions took prominent part in the debate. Dr. Thomas Gallaudet made an address in favor of the sign-language as the vehicle for educating deaf-mutes, partly in English, and partly in signs, and closed by repeating the Lord's Prayer in signs and in the English language at the

same time. The whole tone and bearing of the Congress in the matter of education, was against *our* system. Signs were denounced, the finger-alphabet was characterized as obsolete, even education by reading and writing was declared to be of little worth until deaf-mutes had been taught to speak, and articulation and lip-reading were urged as the only proper method, *in all cases*, of teaching deaf-mutes.

The gentlemen of the Board will remember, that nearly eight years ago, upon my return from an extended tour in Europe, in the course of which, I had visited many of the German and Scandinavian institutions for the deaf and dumb, I expressed my conviction that the movement in deaf-mute education was decidedly towards articulation and lip-reading ; and that in view of this European example, the Board determined to make a thorough trial of the new systems. We have steadily pursued the teaching of articulation to selected pupils, and have enlarged the facilities for teaching mutes to speak, as fast as our experience justified such expansion.

The results which have been attained in Europe, and the great unanimity with which Continental instructors now urge and employ the system of articulation and lip-reading as the best method of education, still more deeply impressed me at the Milan Conference, and I think that the New York Institution will not properly serve the State in its great work, nor keep abreast of the public sentiment and demands in this matter, unless it shall establish and maintain a primary department of selected pupils who shall be taught entirely without the use of signs ; in which the pupils shall speak only by articulation themselves, and be communicated with by no other medium than that of lip-reading. In this way only, can we test the method which is now generally in use on the Continent, and learn its actual advantages and limitations. I am not, by any means, prepared to abandon our present teaching by the eclectic method—viz., the use of signs, the manual alphabet, the written language, and articulation, in combination or separately, as experiment shows to be best, but we may profitably use the experience of foreign teachers for the benefit of our own Institution.

There was little in the other topics of debate at the Conference which could furnish practical hints to this Honorable Board. Our general management is far in advance of that of the European Institutions, our facilities are greater, our buildings are finer, and we are surpassed in only a few points. In the matter of teachers there is a great difference, the number employed being much greater in proportion to the number of pupils than with us, and deaf-mutes are rarely used as teachers or caretakers. The pupils are strictly kept, the drill and discipline are carefully maintained, the education is mainly in essentials, and aims al-

ways at utility rather than ornament and sentiment. The great work of these European Institutions, as illustrated at the Conference, is to teach the deaf and dumb to speak, and to understand speech, and to train them for self support. Education other than this, is simply incidental, and not, as with us, a main object.

But I will not longer trespass upon the patience of the Board. Allow me in conclusion, to say, that news of the death of our beloved and honored President, Rev. Dr. Adams, was not received by your delegates to Milan till after the Conference had closed. But for that, a resolution expressive of the loss which the cause of deaf-mute education and Christian philanthropy throughout the world, has sustained by his removal, would have been presented to the Congress, and, without doubt, would have been engrossed upon the minutes.

Very Respectfully,

CHARLES A. STODDARD.

II.—REPORT OF REV. THOMAS GALLAUDET, D.D.

To the Board of Directors of the New York Institution for the Deaf and Dumb.

GENTLEMEN :—It was your pleasure, last July, to elect me as one of your representatives at the International Convention of the Teachers of Deaf-Mutes to be held in Milan, Italy, on the 6th of September, and also to appropriate a certain sum towards defraying the expenses of the journey. Other friends kindly furnished additional means for my wife and myself to take an extended trip through Europe. Miss Gertrude C. Walter, a graduate of the High Class of our Institution, joined us, so that our party, as we moved from place to place, constantly excited a deep interest in matters pertaining to the education of deaf-mutes. I was almost daily questioned by ladies and gentlemen of refinement and culture in relation to this subject, and was glad to improve opportunities for giving information.

Your action, gentlemen, in reference to me, was very gratifying, and I shall always remember with gratitude, your appreciation of my services for the benefit of deaf-mutes.

Our party left New York on the 14th of August, in the *Britannic*, of the White Star Line, and, having passed through Cork, Dublin, Holyhead, London, Brussels, Luzerne, the Pass of St. Gothard, over the Alps and the Italian Lakes, reached Milan on Saturday, the 4th of September.

We were present at the opening of the International Convention, on Monday, the 6th, and attended most of the sessions. It was very pleasant to meet the other representatives from America, Rev. Dr.

Stoddard, a fellow director of our Institution, and Dr. Peet, the principal, besides my brother Dr. Edward M. Gallaudet, President of the National Deaf-Mute College at Washington, and one of his associates, Professor James Denison. It was very pleasant also to mingle with the representatives from other nations, and to feel that, though belonging to different schools of thought and action, we are all labouring according to the light and knowledge providentially vouchsafed to us, to educate the deaf-mute children of our respective countries.

Although the Convention, by a very large majority, passed a resolution in favor of articulation and lip-reading as the best method of teaching these children, excluding all use of the sign-language and the manual alphabet, and although I saw many most interesting results in the articulating schools of Italy and other countries of Europe, I still believe in what is termed the "combined method," using the sign-language and the manual alphabet in all Institutions, as the instrument by which light and knowledge are poured into the minds of all the deaf, and cultivating speech and reading of the lips among those who show any capacity for real success. If these pupils have not strength of character enough to devote themselves earnestly to improvement in speech, while enjoying, at the same time, the pleasure and profit of the sign-language and manual alphabet, it is very strong evidence to me that they will not retain their acquisition, costing so much hard labor and additional expense, after they leave their teachers and go forth to the battle of life. I found that the Principals and teachers of the old Institutions in London, Edinburgh, Glasgow and Liverpool were in favor of the combined method, while the instructors on the Continent are generally, for the present, enthusiastic supporters of the other system. To test the results of the two, we must follow the pupils in their life-work. From the testimony of others and my own observation, my decided opinion is that very few can converse readily with people in general after they leave their schools.

It is easier for the deaf to learn to speak words than to read them from the lips of others. I believe that the following statement will be found to be true in the great majority of cases. The deaf speak imperfectly to those who can hear, but cannot read their lips, and the latter have to reply by writing. How much better it would be for both to write. Then everything is clear and distinct. There is a certain halo about teaching the deaf to speak, which for a while, will carry along many people, but the reaction will come by and by, and it will be generally admitted that De l'Epee, Sicard, the elder Gallaudet and Peet, Clerc and their followers in our American Institutions, have built upon nature and perfected an instrument of rapid motions

for ideas which produces effects upon the inner life of deaf-mutes, similar to those produced by the modulations of the human voice upon those who have hearing. Let us, then, never think of giving up this graphic sign-language and this graceful manual alphabet, but let us rather seek to perfect our present methods and make our pupils more completely the masters of the English language, so that they can read and write it with ease. Let us one and all say to our pupils that they must not make mistakes in their compositions. Let us cultivate different styles among them according to their intellectual gifts, and by constant vigilance we can ensure correctness. This position is not inconsistent with earnest and untiring efforts to teach those who evince any capacity for real success, to speak and read from the lips. To achieve any really satisfactory results in this department, however, we shall need in our Institutions, more teachers of articulation and lip-reading, for the drill must be strict and unceasing with as few pupils as possible to a teacher.

I do not remember when I began to use the sign-language with my dear mother. In my school and college days, I mingled freely with the pupils of the American Asylum at Hartford. I taught for fifteen years in our own beloved Institution, and since then have labored for twenty-two years as a Pastor among adult deaf-mutes, and my testimony is that we need the sign-language made as perfect as possible, to accomplish the greatest good for the greatest number of deaf-mutes, especially in their spiritual culture.

I was much interested in Church work among adult deaf-mutes in Paris and London, supplementing the training of the Institutions, but of this I cannot speak in detail.

It was acknowledged by common consent at the Milan Convention, that the United States of America were far ahead of any European nation in government provision for the education of deaf-mutes, and were reaching a far larger number in proportion.

Our buildings, arrangements and appliances are, on the whole, also superior to theirs. I trust that the spirit of generous rivalry, which International Conventions are calculated to promote, will shortly bring a change. While I shall ever retain a lively and grateful remembrance of the courtesies of our brethren abroad, and while I honor them for their faithful and persevering efforts to make articulation and lip-reading effective among their pupils. I can say, with all sincerity, that I am thankful for the system which has been developed in the great majority of our American Institutions.

Our party reached home on the afternoon of Christmas Day, grateful for a most wonderful and mercifully ordered journey. I trust that I am better fitted to labor for the benefit of deaf-mutes than heretofore,

stimulated to more earnest exertion by the thought of our fleeting days. Since my departure, our esteemed President, Rev. Dr. Adams and our devoted associate, Mr. Samuel V. Hoffman, have been borne by the angels to the rest of Paradise. We must soon follow them. God grant that, when it comes our turn to die, we may join them and see among the redeemed all whom we have educated at our Institution.

Respectfully Submitted,

THOMAS GALLAUDET.

IN MEMORIAM.

On Thursday, November 18th, 1880, a memorial service was held in the Chapel of the Institution in grateful and affectionate remembrance of the late Rev. William Adams, D.D., who, at the time of his death on the 31st of August last, was President of the Board of Directors ; and by a vote of the Board, the proceedings of the occasion were ordered to be transmitted to the Legislature in connection with the present Annual Report.

Many distinguished persons, not officially connected with the Institution, united with the officers and pupils in commemorating the virtues and wisdom of the deceased.

Hon. Henry E. Davies, LL.D., the First Vice-President of the Board, occupied the Chair, and at his request, Rev. Charles A. Stoddard, D.D., offered prayer.

Judge Davies then made the following remarks :

Ladies and Gentlemen, Fellow Directors, Professors and Pupils :—
A great and good man has been taken from us in the midst of his usefulness and in the zenith of a distinguished and honorable career. We have assembled this day to honor the memory of one dear to us, by the kindness and courtesy of his manner, and his faithfulness to every duty, and his devoted zeal to the interests and welfare of the cause of the deaf and dumb. Dr. Adams, as a member of our Board of Directors and as its President, has rendered great and valuable service to this Institution, and greatly advanced its prosperity and success.

Wise in council, clear and firm in the discharge of every duty ; ever faithful to this noble Institution and its unfortunate and interesting pupils in whom he took the warmest and unvarying interest, his valuable services and efficient aid in advancing the interests and securing the prosperity of this Institution, constitute an enduring monument to his fame and memory. Let his noble example stimulate us to emulate his virtues and carry on the work he so faithfully performed and delighted in. Though absent from us in the body, we may hope his spirit will be with us to animate us to activity and energy in the discharge of our duties.

The Poet tells us, that

“ The Sun sets at night and the stars shun the day,
But glory remains, when their light fades away ; ”

So we trust that the glory of this noble man's life may illumine all our pathways for the future, and ever remain as a beacon star to guide us

in the path of duty. It will ever remain, though its light has faded away, and its fragrance and beauty shall never disappear.

For well we know that

“Only the actions of the just
Smell sweet and blossom in their dust.”

I have the pleasure of introducing to you the Hon. Erastus Brooks, who will address you.

ADDRESS BY HON. ERASTUS BROOKS.

Directors, Teachers, Pupils and Friends of the Deaf and Dumb:—Our message here to-day is of the dead, but especially is it to living persons who knew the dead. The good men do lives after them, and what is really good in character and usefulness never dies. This at least is the great moral satisfaction and result in the contests between the good and evil of this life. The soul moves on; the body returns to the dust from whence it came. We cherish in our memories and in our hearts men and work, and especially men born and produced, as with our friend, of the best parentage and advanced in the wisest education. The mind and the faculties which are part of our spiritual being live forever.

There is as much munificence in moral and intellectual wealth combined, when engaged in the great work of bettering the lives of mankind, as there is in the most munificent fortune, given ever so liberally to public and charitable service. Dr Adams possessed this moral and intellectual wealth in a large degree, and the best evidence of this, and the best result from it, was his success in persuading men of means to remember and benefit that large class of people of whom so many are in the world, and who, in some form, stand in need of the material aid of men of fortune. In all this, as in the whole manner of his existence, our friend lived a noble life, and died a Christian death. His friends were many, and his friendships, strong. With fixed opinions, he was neither a bigot, nor what is called sectarian; but in every place, whether in the pulpit, which he adorned for forty years, in the Theological Seminary, of which for seven years he was the President, in his place here for thirty-two years, in his many public places elsewhere, as in his home and everywhere, he was in the best sense of the words, a Christian gentleman. In all that belonged to his work and character we may say of him,

“The modest wants of every day,
The toil of every day supplied.”

Of what is called materialism and rationalism and the growing departure, I fear, from revelation and scripture, of which we see so much in the men and books of the day, he was as free as light from darkness,

or truth from error ; and yet, in my memory, I can recall no man who was more rational, reasonable and logical ; but in that dangerous belief which denies the existence of spiritual life and the very substance of that life ; which is founded alone upon hope, and which also maintains that the souls of men in any way are the result of special or particular organizations of fact or matter in the body, he was wholly free. In the pulpit he preached, and out of it, taught the ways of God to man, and in language so clear and impressive, and in manner so earnest and sincere, that even the mysteries of revelation became simple to all ; and especially convincing to the child of faith in God. Beyond, or within his religious faith, as we may choose to phrase it, he had a refined taste, great culture and that love of books, and of wise and good books, which makes the full and the ready man. And underlying all this, and, as I think, the chief secret of Dr. Adams's success, was the fact that his religious faith was rooted and grounded in the love of his fellow men. Many whom he had baptized in childhood, he joined in marriage in young or middle life, and some of these he committed to the grave, young and old, in their days of final bodily dissolution. He shared in their pleasures and sympathized in their sorrows.

Few men on earth, I imagine, had a better foretaste of the coming world than our friend had in the days preceding his death. The last words heard from his lips, as he stood upon the very threshold of the earth, were "Heaven, *Heaven*, HEAVEN." He seemed to see beyond the visible arch or sky, beyond sun, moon and stars which overhang the globe and all material creation, and to look into the dwelling place of the Father of us all. As the music of the Sabbath bells sounded in his ears on the 29th of August, two days before his death, lying on his bed, surrounded by family and friends, he calmly and sweetly said : "I shall never hear them more." Yes, the last ringing of the bells was heard, by our friend, inviting all the people to come from their Sabbath homes to worship in the temples of the living God. So also the tolling sounds were heard at the place of burial, and none who heard their music will forget the throbbing of these bells in the summer air. The sounds return to us now like so many voices, each stroke and sound telling of a passing year. And so, changing a word or two, let me repeat the poet's words :

"How many a tale their music tells
Of youth and home, and that sweet time
When last he heard their soothing chime.

"And so 'twill be when we are gone,
That tuneful peal will still ring on ;
While other men shall walk these dells
We'll sing his praise in Sabbath bells."

Our friend then is dead only in the sense that he is invisible to us. That function of vital life, the organ of speech which we here miss so much in our young people, the loving sense of touch and of motion to those whom God, and nature made, as it were, a part of himself, come no more to us in visible sense and presence. The voices of the home circle, of wife, children and grandchildren, of sisters and brother, of brethren in the ministry and colleagues in ministerial work, the good-bye to *Chi Alpha*, to students for the ministry, to the loved and loving people of the old Parish, the last words to old Associations, as to us his co-laborers in the work of administration and advice for the deaf and dumb, and for some few here not only deaf and dumb, but blind, are heard no more in words from living lips. But some of us still see the human form divine, behold its erect and manly bearing, look upon the firm and steady step, and recall one whose manners, always courteous to others, commanded respect by winning it in a presence that secured something even beyond respect and honor, in the esteem and affection of all who knew the man.

These are qualities which, like the memory of the just, never die.

"Seeing that death, a necessary end
Will come when it will come,"

but seeing also that "this corruption shall put on incorruption, and this mortal, immortality," there is left us, after the death of such a man, his religious life, the cheerful social example which in the good and the great, we not only carry with us to the end of time, but which in their recorded words and faith, live forever. Only, let me say again, our bodily eyes are closed in death, and then we begin to see with the eyes of the soul.

In this great city, now of nearly thirteen hundred thousand people, and in a neighborhood of nearly two millions more of persons among the thoughtful, moral and intellectual residents and neighbors, few men were better known than Dr. Adams, and the same may be said of him by very many of the same class of people in all parts of the country. Those who heard him in the sacred desk, and who followed him as the head of a great theological seminary, will understand what the bard meant when he said,

* * * "I have
Immortal longings in me:"

longings indeed which seemed inspired, and which recall the recent words of the distinguished living friend elected to be his successor in office, recording his virtues in the life of the honored man, and now prompting us to say as we may say of each of the really gifted and the good, that his is

"One of the few, the immortal names
That were not born to die."

While, however, there is no exemption from death, there is no oblivion

in the lives of worthy men. The sacred books tell us both of the good and of the evil. History, ancient and modern, leaves records as old as time itself, and the present, like the past, shall live through coming ages wherever there is virtue to remember or vice to oppose.

Dr. Adams was elected a member of the Board of Directors of this Institution, in May 1848, and continued in his office till the day of his death—a period of upwards of thirty-two years.

Of the twenty-four other directors with whom he became associated at the time of his election—viz :

Harvey P. Peet,
Timothy Hedges,
George S. Robbins,
Shepherd Knapp,
Samuel S. Howland,
William W. Campbell,
Israel Russell,
Moses Taylor,
Francis Hall,
George J. Cornell,
Dr. J. T. Metcalfe,
James W. Beekman,

Prosper M. Wetmore,
Robert D. Weeks,
Lewis Seymour,
Augustin Averill,
Henry E. Davies,
Benjamin R. Winthrop,
John C. Green,
Orsamus Bushnell,
Rev. G. T. Bedell, D.D.,
Charles N. Talbot,
Dr. J. Smyth Rogers,
William H. Smith,

but six, Messrs. Davies, Campbell, Taylor, Bedell, Talbot and Metcalfe survive him, and of these but one, Judge Davies, is still a member of the Board.

Previous to his election, Dr. Adams had, for many years, shown a deep interest in the Institution, and was a warm personal friend of the President, Dr. Peet, on whose nomination or recommendation, he became a member of the Board.

In the Spring of 1866, under the Presidency of Mr. Benjamin R. Winthrop, Dr. Adams succeeded Mr. Cyrus W. Field as 2d Vice-President, Mr. Shepherd Knapp being 1st Vice-President.

On the 50th Anniversary of the Institution, which was celebrated at the Institution by most interesting exercises, Dr. Peet, the retiring principal, delivered an address, and Dr. Adams followed in extempore remarks of great eloquence and timely application. On this occasion, he spoke of the deaf and dumb as “the Children of Silence,” a phrase which, originating with him a few years before, has since been frequently employed as one of the expressive epithets in the language of our Institution.

In the Spring of 1869, Mr. Knapp became President of the Board of Directors, and Dr. Adams 1st Vice-President, Judge Davies taking his place as 2d Vice-President.

In the Spring of 1871, on the retirement of Mr. Knapp, Dr. Adams became President, Judge Davies succeeding him as 1st Vice-President, and your speaker as the 2d Vice-President.

It will thus be seen that the late President of our Board served in this Institution from 1848 to the close of the month of August, 1880. No member of the Board, save the first Vice-President, who has been in service more than forty years, has seen in practical and responsible work so much of the rise, progress and success of this Institution, an institution for which, I think, I do not claim too much when I say that in its numbers it is the first in the world, and with the exception of the National College in Washington, whose course begins where that of this Institution ends, the foremost in the successful teaching of knowledge to the deaf and dumb. To have presided over and been a Director in a great State establishment like this, for so many years, is no common honor; and for such an officer so long performing constant and conscientious work, it was no common labor. In all these years, the State has been our master, critic and visitor, and it is but just to state that upon the whole, it has been our faithful friend. If, at times, it has abridged our income, at times also it has enlarged it, once relieving us from a large debt, as upon the occasion of the building of this edifice, the corner-stone of which was laid twenty-seven years ago, this month, with ceremonies of a most impressive character, in which Dr. Adams took a prominent part.

In the Spring of 1854, your speaker of to-day became associated with him as a member of the Board, and has since observed his punctual attendance at all our meetings, and the deep interest always manifested by him in the welfare of the pupils.

Dr. Adams, as I am well reminded by our principal, has ever shown great sympathy with the officers of the Institution, and on several occasions has participated in the funeral obsequies of those who had been prominent in its work.

In October, 1852, he made an address full of pathos at the funeral of Miss Martha Dudley, an aged lady who had signalized herself by the wisdom and goodness with which she had filled the position of matron.

In January, 1873, he made one of the addresses at the funeral of Dr. H. P. Peet,—the distinguished Ex-President of the Institution—touching every heart with the tender and affectionate tribute he paid to a man who had done more perhaps for the deaf and dumb than any other in this country.

In December last, at the funeral of Prof. Jacob Van Nostrand, his touching and earnest prayer, suffused all eyes with tears, and in hope and faith carried all hearts to Heaven.

At the Annual exhibitions of the pupils in the city, he was almost always present, even before he became President, and on two occasions the exhibitions were held in his own church.

At the exhibitions of the pupils at the Institution he always showed great interest, frequently putting questions to the pupils, and calling individuals to him to test their powers by a few private questions.

His last official communication was in the following letter addressed to the principal with his own hands, while he was confined to his house with the disease which terminated his life :

ORANGE, N. J., June 27, 1880.

ISAAC L. PEET, LL.D. :

DEAR SIR :—Please express my regret to the teachers and students that, owing to ill health, I shall be unable to attend the interesting exercises of the Anniversary on Wednesday.

Please explain to the Board of Directors the cause of my absence.

Truly Yours,
W. ADAMS.

There are two kinds of practical benefactors, from whose intelligent beneficence the world and mankind are blessed. This Institution has in the past been favored by each class, and it holds each not only in present grateful remembrance, but in perpetual honor. One of these two classes are the twenty-one old members of the Board, composed of friends indeed, who gave generously of their lifetime savings and accumulations for the benefit of the unfortunate who have here found homes, education and happiness. In the other record, we count the larger class,—men like President Adams—who gave of their time, which well used always bears at least the value of money, of their precepts, of their skillful service and of their good example, which is above all price.

You have read that, when one hundred years ago, Catharine of Russia, in a most respectful and most womanly remembrance of the teacher's great work, offered gold to the Abbé de l'Epee, one of the earliest benefactors and instructors of the deaf and dumb, the answer was :—" I cannot receive gold, but if my labors have any claim to her esteem, ask her to send me, from her vast empire, a deaf-mute to educate." In this spirit, as an officer and counsellor, lived and worked the man whose memory we now honor. To the extent of our means, mental, material, or otherwise, it is our privilege in all the ways and walks of our life here, to engage in a like faithful service.

This occasion, therefore, suggests to me a special remembrance of the words spoken by your first and your last Presidents.

The first was a man of great power, who was honored far more by the State and country than by us. I mean DeWitt Clinton, who was obliged to resign his office to accept the Chief Magistracy of the Commonwealth. Of knowledge, or in regard to it, Gov. Clinton said :—

"Pleasure is a shadow ; wealth is vanity, and power is a pageant ; but knowledge is ecstatic in enjoyment, perennial in fame, unlimited in space and in-finite in duration. In the performance of its sacred offices, it fears no danger, spares no expense, omits no exertion. It scales the mountain, looks into the volcano, dives into the ocean, perforates the earth, wings its flight into the skies, encircles the globe, explores sea and land, contemplates the distant, examines the minute, comprehends the great, ascends to the sublime. No place is too remote for its grasp, no heaven, too exalted for its touch."

I may say, and in no extravagant praise, such is the kind of knowledge taught in this Institution, beginning with the wholly untaught and most afflicted child of six years, which, advancing in wisdom as in time and taking no step backward, moves on until both in books and work and health it is fitted, as the young man or the young woman, for the ordinary duties of the coming life. Such, too, was the kind of knowledge especially appreciated by your President.

In perfect sympathy with the words I have just quoted from our first President let me recall the closing sentence of our last presiding officer, as it was expressed upon the occasion of our first formal meeting at Tarrytown, before the more prolonged address of your present speaker so kindly introduced to his audience by your then President, upon the 14th of October, 1879. "Instinctive, impulsive charity," said Dr. Adams, "may give a glass of cold water to the weary wayfarer, but the charity which is founded upon educated principle digs the well which furnishes the water for thousands of thirsty travelers."

In July, 1853, Dr. Adams, then the chairman of the Committee on the Annual Examination, wrote a report which showed a keen insight into the difficulties of teaching the deaf and dumb, and a thorough appreciation of the success in overcoming these difficulties.

After detailing the effort required on the part of the hearing child to acquire the power of correct speech, he goes on to say :

"Some of our species, however, are born with defective organs. The drum of the ear is dull and dead, transmitting no sound, and so,

"Is wisdom at one entrance quite shut out."

And then he adds :—

"The *camera obscura* of the eye is true and faithful, painting on the surface within, the images of objects without ; but the cell of the ear is utterly closed, and no impression enters by that gate to the spiritual tenant of the body. We strive in vain to seek the vacancy and loneliness produced by *absolute silence*. Should the organs of voice by any accident utter a sound, the unfortunate possessor of those organs is not conscious thereof, any more than the metal pipes, through which the bel-

lows sends the unconscious air. He discerneth no difference in sound ; and expression, modulation and articulation, after the usual methods, are with him, impossibilities. How now shall such a one acquire the art of self-communication ? If, with the aid of example, and by the power of imitation, and with the use of perfect organs, an ordinary child must expend years of effort and practice before it can acquire the power of intelligence and correct speech, who shall solve the mystery of establishing communication with silent deafness, and imparting to the disabled, lonely, vacant soul, the power of receiving and uttering ideas under the direction of an intelligent and educated will.

“ Christian philanthropy, never yet confounded or defeated by any difficulty in her path, met and solved this problem of mystery. If time is requisite for the instruction of the deaf and mute, let that time be compared with the years passed by children of a perfect organization, in acquiring the proper use of language ; and who is not astonished at the results ? For themselves, the committee would express anew their gratification at the success of that method by which the deaf are made to receive, and the mute to impart those ideas which belong to a sound and happy education.”

Dr. Adams, it always seemed to me, was governed by the highest sense of official duty, and of that kind of duty noted by Edmund Burke, as something which should not only be made known, but made prevalent. “ It is not enough,” said this British Statesman of a century ago and more, “ that men mean well. It becometh them to do well.” In this respect, his life seemed an example, not only as the Pastor of a church and the President of a Theological Seminary, to which he had been three times called before he accepted the trust, but as the President of the Board of Directors of this Institution for the Instruction of the Deaf and Dumb. This, perhaps, was one of the smallest of his public duties, but it is enough for us to know that his work was well done. Whatsoever he did, he endeavored to do well, and hence he declined the advice of more than one warm friend, who would have imposed upon him the double duty of performing, at the same time, the office of President of the Union Theological Seminary, while continuing his prolonged pastorate of the church in Madison Square. In either office there was more than enough work for one man, even with the physical strength and intellectual vigor of Dr. Adams. Beyond the one most important office, so faithfully filled at home, constant demands were made upon his time for other aims and ends, and more than once for service over the sea. When and where others failed to meet required work, he often became a volunteer, as when the earnest appeal came from Europe to Christian men in the United States, to solicit the Emperor of Russia to grant liberty of worship to dissenters

from the Greek Church in the Baltic provinces under the Russian Government. The Evangelical Alliance resolved that a Deputation ought to be sent abroad, but no man was ready to go. Whoever consented, would have to traverse sea and land at his own cost of time and money, and upon a mission of doubtful conclusion. Dr. Adams, in the quiet of waiting for some one to act, and of the doubt as to who would go, and almost in the midst of that silence which impresses us more than words, whispered into the ear of his loved and loving friend. "I will go,"—and then under his example,—oh! friends of humanity and of mercy, what force there is on earth, in good example,—and alas! the same is true of evil example,—volunteers came, and a successful work was done. How often it is the fate of service to offer aid to success when it is not needed.

Dr. Johnson in one of his letters to Lord Chesterfield, partially describes this feeling when he speaks of a volunteer patron, after his work was done; as one who "looks with unconcern on a man struggling for life in the water and when he has reached ground, encumbers him with help." Especially were these examples visible in the stimulus of private charity and in public work, and even more if possible, in the sweet influence and power of intellectual Christian work than in any thing else.

In the international council which met at Edinburgh, in 1877, he was so attractive in the work assigned him as to win the hearts and minds of all around him. And the secret of this magnetic inner life of his was founded upon the principle of his own walk and conversation. What he wrote in a letter to a friend of Dr. Muhlenberg was eminently true of himself. "There was," he said as a Presbyterian of his Episcopal friend, "nothing of asceticism about him. He knew the greatness and the blessedness of self-subjection for the good of others. He was truly Catholic in spirit while cordially attached to his own church. His taste was gratified by its forms of worship and by the right observation of its calendar."

In the interchange of men of different forms of faith in the opening of our monthly meetings with prayer, how often has Dr. Adams invited, may I not say invoked, that loving communion of men whose many differences in forms of faith become a sacred bond of the union of soul and spirit in all liberal Christian work. Fidelity to truth, constancy to faith, loyalty to principle, whether of the Church or the State, you will pardon me for saying, in these days of debates and differences, is not inconsistent with the largest toleration, when differences of opinion are founded upon the solid rock of a manly character. Faith is not only fidelity to reason, as Coleridge somewhere says, but a Christian faith is built more upon the platform of a true Christian life than upon any

testimony of service to a creed, if real Christian life and work be absent. This I understand to have been the practical theology of our friend. It was made up not only in a belief of the historical truth of the Word of God, but in a confiding evidence of that constant charity, patience and love seen and personified in the life and death of the Son of God.

Here, where the face of our friend was familiar, the promptness of his presence was not excelled. He was never absent when able to be present. Here also, where his voice was so often heard, some times in earnest prayer for the deaf and dumb, and always in official work, with the respect due to age and commanding abilities, I need not longer dwell upon those graces of life which adorn the best part of mankind. A conscientious sense of duty and a manly way of performing duty made Dr. Adams not only clear in his utterances, but forcible and effective in his modes of administration. The work done was, as with his brother officers and directors here, all the time a work of love ; and herein was its best reward. It was under his Presidency and approval, though not perhaps by his direct interposition before the legislature, the the word *indigent* was struck from the law which heretofore had confined the benefits of the Institution to the positively poor and dependent.

This Institution, as all now know, is, under the law, open, to all from six to twenty-five years, and the State provides for all above the age of twelve, education, board and lodging, while the counties of the State make similar provision in this and all kindred homes and schools for those below that age, and for the clothing needed by all not able to clothe themselves. Every person, resident in the State for three years preceding application, is welcome here or elsewhere, and parents and near friends have only to knock, and the door is opened. Books and medicine, medical attendance and nursing for the sick, are provided for all.

In this spirit, from the year 1817 to 1880, the officers, directors, and teachers have here been working. All its Presidents are dead in the sense that the world counts death. Clinton served but two years, from 1817 to 1819, Samuel L. Mitchell from 1819 to 1829, Rev. James Milnor from 1829 to 1845. Robert C. Cornell died in 1845, the year of his election. Harvey P. Peet served as President from 1845 to 1859, and in all performed forty years of work. Benjamin R. Winthrop was President from 1859 to 1869, and Rev. Dr. Adams, as before stated, served from 1871 to 1880, with a service of two years from 1869 to 1871 by Shepherd Knapp. Of the several hundred who have been officers, directors and teachers, more than three-fourths have departed this life. Of our dead predecessors, I hope I

may say at least with Plutarch, that "it is not on the course our games are crowned ; it is after they have gone over it." And if even Rousseau could exclaim "All does not finish for me with this mortal life, and what succeeds shall make concord of what went before," I think we may also agree with him in the nobler sentiment, "O let us first be good and afterward we shall be happy."

" We live in deeds, not years, in thoughts, not breaths :
We should count time by heart-throbs ;
He most lives
Who thinks most, feels the noblest,
Acts the best."

Living thus, and thinking thus, we need not mind, in the voyage of life, either "what shadows we are," or "what shadows we pursue."

In reviewing the past among the deaf and dumb in the State, and especially in this Institution, two important facts are presented. The mortality during the past ten years, as during the previous ten years, was less than ever before, and in all these years from the beginning to the present time, there has been a constant improvement, as well in morals, as in manners and education. Often for consecutive years, there has been no death in our midst. Part of this is due to location, and much also to administration. While institutions for the deaf and dumb have increased in numbers from two to fifty in threescore years, there has been no lack of attendance here. It is to be hoped, certainly it is desirable, that every deaf and dumb child in the State above the age of six years should be connected with this, or some like Institution. There are those who believe that our doors should be opened to children as young as those who find admission in our primary schools, but the State, I think, has done well enough, and is doing well enough, in receiving all from twelve to six years, and then if need be for more than twice these years.

Let me add, with more gratification than I can express in words, that from this and the Hartford Institution, commenced, I believe, in the same year, have grown fifty institutions in the country at large. While in some of this number, articulation and lip-reading alone are taught, here instruction is given in both systems, and the advantages of the one or both modes are recommended and applied to those whose physical organization and mental qualification best fit them to choose between the two.

In recalling the work performed during the Presidency of Dr. Adams and his predecessors as a question of administration in which officers, directors, teachers and pupils have a very great interest, two facts present themselves as worthy of mature reflection. And, first, we note the improved health and increased means of education of the pupils of all grades. Secondly, we must also note with satis-

faction the trades, which are taught, the manner of teaching, including the time employed, the materials used and, especially, the practical usefulness and economy of the work here done. While the world lasts, there is always room for improvement and for additional means for new trades, leading to new support. There is also reason for gratification at the evidences of past advancement.

The schools of Italy, in works of art, seem to be in advance of our own, and suggest, perhaps, in this and other differences, some changes for future consideration. Mechanical dexterity is, to the dependent class, a great necessity and a high duty. The well-educated, self-supporting graduate of this Institution is an example to the State, and to the country, as, in another direction, is the rise and growth of Dr. Adams as a teacher of men and faith. Indeed, in all his mental culture, he was alike a subject for study and for admiration.

In his parentage, Dr. Adams was what we sometimes call a favorite of fortune. I may, perhaps, better say, that he was blessed of God in a most worthy mother, and in a wise father. Our mothers, indeed, when they are worthy, what blessings do they not bring in their sympathy and encouragement to their children and to mankind? You have only to read the lives of the really great men and women of the world to find such an answer to this question as will solve half if not all the problems of human destiny. "My mother's influence," said Dr. Adams, "was especially gentle and wise. I owe everything to the judicious training of my parents. Serious and earnest in their own religious life, they never made religion repulsive," and under such training, no wonder the Sabbath, even when most scrupulously observed, was, as our friend said, "never a day of uneasiness or dislike."

The father, of whom I have spoken as a wise man, was John Adams, of the same family, I believe, though in another line, of the second and sixth Presidents of the United States. The ancestors came from Devonshire, England, a portion of the mother country from whence came some of the earliest and best citizens of New England. The grandfather, John Adams, was an officer in the war for Independence, and his father, Henry Adams, fled to America in 1632 from the Dragon persecution, as it was called, and settled at Braintree, Massachusetts. The father of Dr. Adams was a graduate of Yale College in 1795, and took from his *Alma Mater* the degree of LL.D., in 1859. He became a classical teacher, first at Canterbury, Conn., then at Colchester, (where William Adams was born on the 25th of January, 1807). Finally, the father was called to preside over the Phillip's Latin Academy, at Andover, Mass., where for twenty-three years he was a very successful teacher. He removed to the West at the age of sixty years, and lived there full of zeal, for twenty-one years more, or to the age of 81,

when he died, greatly honored for work done, and which included, after he had passed his threescore and ten years, the establishment, as I read in Rev. Dr. Hitchcock's instructive funeral sermon, of more than five hundred Sunday Schools in the State of Illinois, his Western home.

The mother of Dr. Adams was Elizabeth Ripley, a direct descendant of the Governor Bradford who landed at Plymouth from the *Mayflower*. The father became the English and classical teacher of the son, while the mother taught the heart, in the closet and the home, those lessons of love and duty which became a part of the pupil's nature and the practice of his daily life. Mr. Adams graduated at Yale at the age of twenty years, and in a class of eighty students, many of whom became distinguished men, and, thanks to a very thorough parental preparatory education, I believe, led all his classmates. At Andover, he graduated in 1830, and commenced his ministerial labors at Brighton, Mass., where he remained for three years.

In 1834, he entered this great city as the Pastor of the Central Presbyterian Church, and for nineteen years broke there the bread of life to a devoted people, many of whom, in 1853, built the Madison Square Church, where he preached until 1873, and where he closed his thirty-nine years of pastoral service.

It is no part of my duty to state in any detail what this service was. That work has already been far better done by hosts of friends in the pulpit, in the Press, in the Seminary, in the Historical Society and elsewhere. At his funeral, all differences of Christian faith, "like kindred drops, were melted into one," in remembrance of the virtues and knowledge of our departed brother. Dr. Hitchcock there said of his own twenty-five years' experience with his friend's pastoral work:—"I do not hesitate to pronounce him the most consummate Pastor I have ever known," and he adds in testimony of this truth: "In affliction I never met his equal as a consoler,—step, manner, voice, utterance, everything was perfect. His whole ministry of comfort seemed spontaneous, special and exclusive." After this, we need not hesitate to agree with him when he adds: "If Dr. William Adams was not a great man, then greatness is not desirable."

Another friend says of his work as a teacher of those soon to be appointed to teach themselves, that his method was "the individuality which he recognized in the class and the school. Each student knew that he had a place in the heart and mind of the President. It was his habit to receive them one at a time, not to his room and study only, but into the church building that adjoined his house, and there in the pulpit which he had filled, to drill the young aspirant in the art and science of preaching to his fellow men."

And while engaged in this great work of the personal religious educa-

tion of young men and in work of a kindred kind here and elsewhere, came to him the cloud which separates time from eternity ; but it came in no sombre hues, nor in any forbidding drapery. The silver lining was behind, from whence came the welcome words of peace and rest—peace from all trouble, rest from all pain, relief from all anxiety. There, in the undiscovered country of the spirit land, reposes our friend. There, in the land where in a little while all of us, let us hope, may find peace, if like our friend we know the way and walk therein, is love, rest and hope. It must be, as the almost inspired singer says, we shall soon be

“ Beyond the blooming and the fading,
Beyond the shining and the shading,
Beyond the hoping and the dreading ;

“ Beyond the rising and the setting,
Beyond the calming and the fretting,
Beyond remembering and forgetting ;

“ Beyond the frost chain and the fever,
Beyond the rock waste and the river,
Beyond the ever and the never.”

But if there we find our final homes and rest, “the ebbing and the flowing,” “the coming and the going,” will be to us not

“ Like stars upon some gloomy grove,
After the sun's remove,”

but as the morning of that perfect day the meridian of which is peace and bliss, and the evening of which is certain rest and content.

And so to you and all around us, following or leading the life of our friend, may come at the close of our lives—yes, will come, as of old—the voice from Heaven, saying unto us : “ Write, Blessed are the dead which die in the Lord from henceforth : Yea, saith the Spirit, that they may rest from their labors ; and their works do follow them.”

This writing, may not be as in the flood the voice of many waters, nor as the voice of great thunder in the tempest of battle, but rather is it the still, small voice, coming as from the angels of Heaven, and from the Lamb of God who taketh away the sins of the world, whispering to the troubled soul, the double welcome, “ Peace, be still.” “ It is I : Be not afraid !”

On the conclusion of the foregoing address, six members of the class of highest attainment took their places at the large slates on the platform, and wrote as follows :

“ As we assemble here to-day, a thin web-like cloud of sorrow seems to have slowly floated over our happiness and quenched, to a certain degree, our gayety. Eagerly, yet uneasily, are the eyes of some of us

turned towards the door to catch one glimpse of that tall form and pleasant face, whose presence has for so long made our exhibition days seem less full of dread. But, alas! we are to be disappointed. Our President comes not to greet us. Instead, he has been passing through the pearly gates of heaven, and been welcomed by hosts of friends gone before him.

“Throughout his Presidency, Dr. Adams was, to us, all that we could ask. No praise for him could be called extravagant. A beautiful example of a true man of Christ, his face wore the expression of one who had ‘gone down into the vitality, the solidity, the veracity and the divinity of the word of God,’ and being full of it, was striving to live accordingly.

“Words cannot adequately express our esteem for him. Such being the case, we can only brush away each silent tear; and breathe a prayer to God above, to send comfort to the aching hearts left behind and to help us all, so to live, that we may, one day, feel the effect of that sweet inspiration which came from his noble countenance, while we join the happy throng who sing the praise of the Lamb in heaven.”

M. L. B.

“Dr. Adams was, for over thirty-two years, connected with this Institution—first as a Director, and afterwards as its President. He was a man of fine intellect and profound learning.

“He was a graduate of Yale College, and, during his college career as well as in after years, won high distinction as a scholar. He occupied the pulpit of the Madison Square Presbyterian Church for a long time, and was universally acknowledged to be the leading preacher of his denomination in New York. In manners, he was gentle and courteous, combining with these qualities a degree of dignity that inspired respect and admiration in all those with whom he came in contact. In the performance of his duties, he was firm, yet kind.

“ ‘In his duty, prompt at every call,
He watched and wept—he prayed and felt for all,
And as a bird each fond endearment tries,
To tempt its new-fledged offspring to the skies,
He tried each art, reproved each dull delay,
Allured to brighter worlds, and led the way.’ ”

A. C. B.

“For many years past, on each of our exhibition days, the venerable head, intellectual face and majestic form of Rev. Dr. Adams has adorned our chapel as President of the Board of Directors, officiating in prayer and bestowing on us his benediction.

“ ‘A man he was to all the country dear.’ In knowledge and talents he was unrivaled; in manners, polished yet dignified. Within that noble

frame there glowed a kind, sympathizing heart, such as we seldom find in persons of superior talents and social position.

"He was ever ready to offer a prayer or make a speech in behalf of the pupils—ever anxious for their improvement, welfare and happiness, ever bestowing a kind, encouraging word or smile on all. In him we found a sincere and benevolent friend.

"Often, when seated in the President's chair, have we seen his kindly face light up with joy at any mark of our improvement in knowledge. Often, too, have I seen him pat the little children on the head or shake them by the hand as they showed their proficiency in their simple lessons. They, to whom knowledge was almost a blank! He, who was familiar with all human learning! What a beautiful meeting of youth and old age, wisdom and ignorance! But now we shall never again see his venerable form and face as of old, nor return his pleasant smile. His mission on earth has ended. He has been called to those blest mansions above. There rests he in peace,

" ' On the bosom of his Father and his God. ' "

C. B. F.

"Almost every one who has attended our Closing Day Exercises, cannot but remember having seen the dignified form and genial face of a gentleman who usually occupied one of the front seats. This was no other than the Rev. Wm. Adams, for the past thirty-eight years one of the members connected with our Institution as one of the Board of Directors, and for the last nine years as President of the Board. He was the son of most respected and intelligent parents, his father being a minister of the Gospel in one of the New England States, and the instructor to whom he was indebted for his great command of Latin and Greek. Indeed, he had become so far initiated into the mysteries of these languages that, upon entering Yale, he was honored by going to the head of his class. After leaving Yale, he still pursued his studies, and in time was appointed Pastor of the Madison Square Presbyterian Church. He was afterward appointed President of the Union Theological Seminary, and was universally respected, and was looked for at most of the public exercises of the principal schools of learning. It was with keen regret that we learned of his death, but with the Will of God it is to be hoped he has entered a better world, where peace and happiness reign forever and ever."

J. F. O'B.

"Dr. Adams, our late President, was a man whose memory is dear to us all. He deserves honor if any man ever did.

"The illustrious family from which he descended has already given

two Presidents to his country, and three ministers to the Court of St. James, a very high and important office. Besides holding the position of President of the Board of Directors of this Institution, and that of the Pastor of a church, whose members have indeed lost a kind and intelligent instructor, he was afterwards President of the Union Theological seminary, a very important office, which it will be hard to fill. In speaking of his character, the following lines by William Cullen Bryant, one of the greatest of American poets, will be sufficient :

“ ‘ His love of truth, too warm, too strong,
For hope or fear to chain or chill,
His hate of tyranny and wrong
Burns in the breasts he kindled still.’ ”

and in speaking of his fame, the following lines, by the same poet, express just my sentiments:

“ ‘ The earth may ring from shore to shore,
With echoes of a glorious name,
But he whose loss our tears deplore,
Has left behind him more than fame.’ ”

J. F. D.

“ The Rev. Wm. Adams, D.D., LL.D., whose name is widely known on both hemispheres from his labors in the christian world, died at Orange, N. J., on the morning of August 31st, 1880. He was one of the best known clergymen of the Presbyterian denomination, not only in this city but in the world. His ministry was an unusually successful one, and extended over a period of over forty years. Throughout his ministry, he endeared himself to thousands in this city, who will mourn his loss with as sincere regret as his more intimate friends and relatives. What volumes this speaks for the sterling worth of his character and love for his fellow-men, the sincerity of which he so often proved ! Alas ! we find very few such names on the illuminated page of history. The rarity of such characters only makes the possession of one the more valuable. The world justly appreciates him and mourns his loss.

“ In the death of Dr. Adams, the Board of Directors loses one of the most zealous and earnest of their Presidents. For a period of nine years, he looked over our interests with such fidelity to his important trust, joined with great wisdom and foresight, as, added to his thorough appreciation of the needs of our afflicted class, early secured to him our affection, which he continued to hold till death took him from us. In his loss, the Union Theological Seminary of this city, loses one of the most accomplished and earnest of its presidents. And in his loss, the Christian world loses a teacher whom it will be hard to replace. His well known benevolence and the

beauty of his character, will immortalize his name. His efforts in behalf of the 'silent world' especially endears him to this class."

C. W. H.

While the foregoing writing was in progress a class of interesting young ladies gave in signs the hymn quoted by Mr. Brooks, beginning with the words,

"Beyond the smiling and the weeping."

The compositions written by the older pupils were then read by the Principal, Dr. Peet, and by Prof. Jenkins, the Instructor of the High Class, and the impressive exercises of the occasion were brought to a close by a repetition in concerted signs of the Doxology and of the Lord's Prayer, by a number of charming little girls, whose sweet expression and graceful motions blended in true interpretation and visible harmony.

APPENDIX.

TERMS OF ADMISSION.

I. Pupils are provided for by the institution in all respects, clothing and traveling expenses excepted, at the rate of \$300 per annum. Clothing will be furnished by the Institution, if desired, at an additional charge of fifty dollars. Payment is required semi-annually in advance. Day pupils will be received at a charge of \$100 per annum, including books and stationery, payable semi-annually in advance. The school year for day pupils shall be considered to commence on the first Wednesday in September, and end on the fourth Wednesday in June.

II. The regular time of admission is at the close of the vacation, which extends from the fourth Wednesday in June to the first Wednesday in September. No pupil will be received at any other time, except in very extraordinary cases.

III. No deduction will be made from the annual charge in consequence of absence, on any account whatever, except sickness, nor for the vacation.

IV. Satisfactory security will be required for the punctual payment of bills and the suitable clothing of the pupils. In the case of pupils supported by their parents or friends, a bond will be required, the form of which is annexed to this report.

V. Applications regarding the admission or dismissal of pupils, and correspondence with reference to their support, health, and all matters other than those connected with education, must be addressed to the Superintendent.

Correspondence with reference to the education of the pupils, must be addressed to the Principal.

The post-office address of the Institution is Station M, New York.

VI. The selection of pupils over twelve years of age, to be supported at the public expense, is made by the Superintendent of Public Instruction, at Albany, to whom all communications on the subject must be addressed. Children of indigent parents, under twelve years and over six, may be admitted to the Institution by certificate of any overseer of the poor, or supervisor.

VII. The clothing of pupils over twelve years of age, selected and

supported as *State* pupils, is chargeable to the county from which they come at the rate \$30 per annum, agreeably to the provisions of Chapter 386, Laws of 1864.

VIII. Should objection exist to the admission of any individual, the board reserve to themselves or their officers, a discretionary power to reject the application.

The above terms are to be understood as embracing the entire annual expense to which each pupil is subjected. Stationery and necessary school books are furnished by the Institution. No extra charge is made, in case of sickness, for medical attendance, medicine, or other necessary provisions.

It is suggested to the friends of deaf-mute children, that the names of familiar objects may be taught them with comparative ease before their admission, and that the possession of such knowledge in any degree materially facilitates their subsequent advancement. To be able to write an easy hand, or at least to form letters with a pen, is likewise a qualification very desirable. In reference to this subject, it is recommended that the words which constitute writing lessons or *copies*, preparatory to admission, should be such as have been previously made intelligible to the learner.

In the case of each pupil entering the Institution, it is desirable to obtain written answers to the following questions. Particular attention to this subject is requested.

1. Name of pupil, in full.
2. Residence, town, county, State.
3. When was he born?
4. Where was he born?
5. Was he born deaf?
6. At what age was hearing lost?
7. By what disease or accident did he become deaf?
8. Is the above the physician's opinion?
9. Is the deafness total or partial?
10. Have any attempts been made to remove the deafness, and if so, by whom, and with what result?
11. Have any attempts been made to communicate instruction?
12. Is there any ability to articulate or read the lips?
13. Is he cleanly or otherwise in his habits?
14. Has he any acute disease or received any bodily injury?
15. Is he laboring under any bodily infirmity, defective vision, eruption, malformation of limbs, glandular swelling, rupture, epilepsy, chorea, or palsy?
16. Has he shown any signs of mental imbecility, idiocy, or insanity?

17. Has he ever used ardent spirits, opium or tobacco ?
18. Has he ever been vaccinated or had the small pox ?
19. Has he had the scarlet fever ?
20. Has he had the measles ?
21. Has he had the mumps ?
22. Has he had the whooping cough ?
23. Has he shown marked taste for any particular trade or business, or been accustomed to regular employment ?
24. Are there any other cases of deafness in the family, among relatives or ancestors ?
25. What is the name of the father ?
26. Where was he born ?
27. What is the name of the mother ?
28. Where was she born ?
29. What is the name and post office address of the correspondent ?
30. What is the occupation of the father ?
31. Have either of the parents died ?
32. Has a second connection been formed by marriage ?
33. Were the parents related before marriage—*e. g.*, cousins ?
34. What are the names and ages of their children ?
35. What is the pecuniary condition of the parents ? Indigent ? Easy circumstances ? Affluent ?
36. Has he any special mark or peculiarity of appearance ?
37. Color, color of eyes, stature, color of hair.
38. By whom is this information given ?

By order of the Board of Directors.

HENRY E. DAVIES,

First Vice-President.

THATCHER M. ADAMS,

Secretary.

LAWS AND BLANK FORMS.

RELATING TO THE ADMISSION OF PUPILS.

CHAPTER 325, LAWS OF 1863.

As amended by chapter 213, entitled, "An Act relative to the care and education of deaf-mutes."

PASSED April 29, 1875.

The people of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it shall be the duty of the overseer of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, or in the Le Couteulx St. Mary's Institution for Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution of the State for the education of deaf-mutes.

§ 2. Any parent, guardian or friend of a deaf-mute child, within this State, over the age of six years and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing by satisfactory affidavit or other proof, that the health, morals or comfort of such child may be endangered, or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor to place such child in the New York Institution for the Deaf and Dumb, or the Institution for the Improved Instruction of Deaf-Mutes, or in the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any Institution in the State for the education of deaf-mutes.

§ 3. The children placed in said institutions, in pursuance of the foregoing section, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed three hundred dollars per year, until they attain the age of twelve years, unless the directors of the institution to which a child

has been sent shall find that such child is not a proper subject to remain in said institution.

§ 4. The expenses for the board tuition and clothing for such deaf mute children, placed as aforesaid in said institutions, not exceeding the amount of three hundred dollars per year, above allowed, shall be raised and collected as are other expenses of the county from which such children shall be received ; and the bills therefor properly authenticated by the principal, or one of the officers of the institution, shall be paid to said institution by the said county ; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

§ 6. This act shall take effect immediately.

EXTRACT FROM CHAPTER 555, LAWS OF 1864, TITLE 1, SECTIONS 9 and 10 (As amended by chapter 213, entitled "An Act to provide for the care and education of deaf-mutes").

PASSED April 29, 1875.

§ 5. Every person resident in this State, between twelve and twenty-five years of age, whose parent or parents, or if an orphan, whose nearest friend shall have been resident in this State for the three years preceding, and who may make application for that purpose, shall be received, if deaf and dumb, into one of the following named institutions, viz : The New York Institution for the Deaf and Dumb ; the New York Institution for the Improved Instruction of Deaf-Mutes ; the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in this State for the education of deaf-mutes, *provided his or her application be approved by the Superintendent of Public Instruction.* The pupils so sent to either of the institutions aforesaid shall be provided with board, lodging and tuition, and the directors of said institution shall receive, for each pupil so provided for, the sum of three hundred dollars per annum, in quarterly payments, to be paid by the Treasurer of the State, on the warrant of the Comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and be verified by their oaths.

The regular term of instruction for such pupils shall be five years ;

but the Superintendent of Public Instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated State pupils, and all the existing provisions of law applicable to State pupils now in said institution shall apply to pupils herein provided for.

APPLICATION

FOR THE ADMISSION OF COUNTY PUPILS.

To be made to and retained by the Supervisor or Overseer of the Poor.

STATE OF NEW YORK, }
County of , } ss.:

.....of the town of.....in said county, hereby certifies that he is the.....of....., a deaf-mute child, residing in said town, and who was born on the....day of.....18 , and that in consequence of the want of education, the health, morals and comfort of said child may be endangered or not properly cared for; and the undersigned hereby makes application for the said child to be placed in the New York Institution for the Instruction of the Deaf and Dumb, for support and education, pursuant to chapter 325 of the Laws of 1863, as amended by chapter 213 of the Laws of 1875.

Dated.....18 .

CERTIFICATE.

To be granted by Supervisor or Overseer of the Poor and sent to the Institution.

STATE OF NEW YORK }
County of , } ss.:

I have this day selected.....of the town of.....county of....., son [or daughter] of.....who was born on the.....day of.....18 , as a county pupil in the New York Institution for the Instruction of the Deaf and Dumb, from the.....day of.....18 , to the.....day of.....18 , (he being then twelve years of age), to be educated and supported therein, during that period, at the expense of the county

of....., in conformity with the provisions of chapter 325.
Laws of 1863, as amended by chapter 213 of the Laws of 1875.

..... } *of the town of*
.....

Dated....., 18 ..

FORM OF APPLICATION.

To be sent to the Superintendent of Public Instruction, Albany, in case of candidates for admission twelve years of age and over.

The undersigned....., of the town of....., in the county of do hereby certify that.....of said town, is deaf and dumb. The said..... wasyears of age on the....day of 18 ; is of good moral character, free from disease, and possesses intellectual faculties capable of instruction.

The names of the parents of the said..... are..... ; and the said parents have resided in the State for the last three years. They respectfully apply for the appointment of said..... as a State pupil in the New York Institution for the Instruction of the Deaf and Dumb ; and I would recommend the application to the favorable consideration of the Superintendent of Public Instruction. The parents are unable to provide the said..... with clothing.*

Dated.....18 ..

..... } *of the town of*

To the Superintendent of Public Instruction, Albany.

*In case the parents are able to provide clothing, the above sentence should be erased.

FORM OF BOND.

Know all men by these presents, that we.....of
in the county of.....and State
 of....., and.....of
 in the county of and State ofare
 held and firmly bound unto....., the treasurer of the New
 York Institution for the Instruction of the Deaf and Dumb, and his
 successors in office in the sum of dollars, for
 which payment, well and truly to be made, we bind ourselves, our
 heirs, executors, and administrators, jointly, and severally, firmly by
 these presents.

Sealed with our seals. Dated at this
 day of A.D.

Whereas of in the county
 of and State of has
 been or is about to be admitted as a pupil in the Institution aforesaid ;

Now, therefore, the condition of this obligation is such, that if
 the above named obligors shall well and truly pay during the con-
 tinuance of the said, as such pupil, the sum of
 three hundred dollars per annum for board and tuition, semi-
 annually in advance, and shall also pay in advance the sum of fifty
 dollars a year for clothing ; and shall also pay on demand all sums
 charged to the account of said for money or necessary
 articles furnished to said ; and shall also pay interest
 on each bill, from and after the time it shall become due, then this
 obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered in }
 presence of }

..... [L. S.]
 [L. S.]

SITUATION OF THE INSTITUTION.

The grounds occupied by the Institution comprise about twenty-six acres, and are located upon the banks of the Hudson River at Washington Heights, between One Hundred and Sixty-second and One Hundred and Sixty-fifth streets. The entrance to the grounds is at the corner of Tenth avenue and One Hundred and Sixty-second street, about nine miles from the City Hall.

The Institution can be reached by four lines of public conveyance from the city :

1. By the Sixth or Ninth avenue Elevated railroads to One Hundred and Fifty-fifth street.
2. By the Third avenue Elevated railroad to Harlem, and thence by crosstown railroad at One Hundred and Twenty-fifth street, and Elevated railroad to One Hundred and Fifty-fifth street, and cabs or stage from Manhattanville.
3. By the way trains on the Hudson River Railway, from Thirtieth street, stopping at One Hundred and Fifty-second street. The Institution is about half a mile north of this station.
4. By stage from the corner of Sixth avenue and Thirty-second street to Manhattanville and Washington Heights.

PUBLIC MEETINGS.

While the institution is opened to visitors during the daily sessions of the school, there are two occasions of more than ordinary interest when public exercises are held in the chapel, viz. : At the annual election for officers and directors, on the third Tuesday of May, and at the close of the academical term, on the fourth Wednesday of June, answering to Commencement in other seminaries of learning. The members of the Institution are earnestly requested to attend on these occasions, notice of which will be given in the newspapers.

FORM OF BEQUEST.

I give and bequeath to "The New York Institution for the Instruction of the Deaf and Dumb," incorporated by the Legislature of New York in the year 1817, the sum of.....dollars.

*This Institution holds in perpetual and grateful remembrance
the names of its*

MUNIFICENT BENEFACTORS.

EPHRAIM HOLBROOK,	JOHN ALSTYNE,
WILLIAM DENNISTOUN,	SETH GROSVENOR,
ELIZABETH DEMILT,	SIMON V. SICKLES,
MADAME ELIZA JUMEL,	THOMAS C. CHARDAVOYNE,
SARAH STAKE,	JAMES ANDERSON,
SARAH DEMILT,	THOMAS FRISEL THOMPSON,
JOHN NOBLE,	THOMAS RILEY,
THOMAS EGGLESTON,	JAMES N. COBB,
SAMUEL S. HOWLAND,	ELIZABETH GELSTON,
THOMAS EDDY,	ROBERT C. GOODHUE,
BENJ. F. WHEELWRIGHT,	DANIEL MARLEY.

STATE OF NEW YORK.

No. 21.

IN ASSEMBLY,

JANUARY 14, 1881.

LIST

OF ASSEMBLY COMMITTEES.

On Ways and Means.

- | | |
|-------------------------|---------------------------------|
| Mr. Brennan, Franklin ; | Mr. I. S. Carpenter, Dutchess ; |
| Boardman, Tompkins ; | Scott, Livingston ; |
| Brooks, Richmond ; | Draper, Albany ; |
| Chickering, Lewis ; | Hoffman, Chemung ; |
| Phillips, Orleans ; | Benedict, Ulster. |
| Howland, Onondaga ; | |

On Judiciary.

- | | |
|-----------------------------|-------------------------|
| Mr. Congdon, Cattaraugus ; | Mr. Hickman, Erie ; |
| Husted, Westchester ; | Williams, New York ; |
| Chamberlain, St. Lawrence ; | McCarthy, New York ; |
| Potter, Saratoga ; | Patterson, Rensselaer ; |
| Draper, Albany ; | Dayton, New York. |
| Turok, Ulster ; | |

On General Laws.

- | | |
|------------------------|-----------------------|
| Mr. Cullinan, Oswego ; | Mr. Raines, Ontario ; |
| Alvord, Onondaga ; | Shanley, Kings ; |
| Hayes, New York ; | Niles, New York ; |
| Brodsky, New York ; | Pinney, Sullivan ; |
| Waring, Kings ; | Spinola, New York. |
| Gates, Wayne ; | |

On Canals.

- | | |
|-------------------------|------------------------|
| Mr. Hurd, Erie ; | Mr. Holt, Niagara ; |
| Cullinan, Oswego ; | Evans, Oneida ; |
| Chickering, Lewis ; | Straight, Rensselaer ; |
| Root, Monroe ; | Tormey, Kings ; |
| Goodman, Washington ; | S. R. Welles, Seneca. |
| Van Buren, Montgomery ; | |
- [Assem. Doc. No. 21.]

On Affairs of Cities.

- | | |
|-------------------------------|--------------------------|
| Mr. E. A. Carpenter, Suffolk; | Mr. Derrick, Rensselaer; |
| Duguid, Onondaga; | Everett, Putnam; |
| Brodsky, New York; | Brooks, Richmond; |
| C. H. Russell, Kings; | Sheridan, Kings; |
| Hamilton, New York; | Andrews, New York. |
| Campbell, Albany; | |

On Railroads.

- | | |
|-------------------------|------------------------|
| Mr. Skinner, Jefferson; | Mr. Armstrong, Oneida; |
| Gillette, Columbia; | Bradley, Cattaraugus; |
| Peck, St. Lawrence; | Catlin, Westchester; |
| Baker, Saratoga; | Browne, Otsego; |
| Low, Niagara; | Hoffman, Chemung. |
| Cowles, Monroe; | |

On Commerce and Navigation.

- | | |
|-----------------------------|---------------------|
| Mr. Duguid, Onondaga; | Mr. Dickey, Orange; |
| E. A. Carpenter, Suffolk; | Reitz, Kings; |
| D. A. Wells, Fulton & Ham.; | Benedict, Ulster; |
| Bingham, Erie; | Browning, New York; |
| Williams, New York; | Tully, Kings. |
| Dutcher, Dutchess; | |

On Insurance.

- | | |
|---------------------------|--------------------------|
| Mr. C. H. Russell, Kings; | Mr. Sheldon, Chautauqua; |
| Steele, Oswego; | Trimble, New York; |
| Gillette, Columbia; | McDonough, New York; |
| Morgan, Allegany; | Tormey, Kings; |
| Brehm, New York; | Catlin, Westchester. |
| Holt, Niagara; | |

On Banks.

- | | |
|--------------------------------|------------------------|
| Mr. Chamberlain, St. Lawrence; | Mr. Palmer, Wyoming; |
| Morgan, Allegany; | Butler, Warren; |
| Tuthill, Cayuga; | Patterson, Rensselaer; |
| Bowen, Clinton; | Moller, Westchester; |
| Roberts, Oneida; | Andrews, New York. |
| Carley, Cortland; | |

On Internal Affairs.

- | | |
|-------------------------|----------------------|
| Mr. Sisson, Washington; | Mr. Lewis, Delaware; |
| Skinner, Jefferson; | Reitz, Kings; |
| Sipp, Erie; | Clark, Orange; |
| Beach, Schuyler; | Stillwell, Kings; |
| Raines, Ontario; | Newton, Greene. |
| Bemis, Chenango; | |

On Affairs of Villages.

Mr. Potter, Saratoga;	Mr. Fenner, Chautauqua;
Seeley, Monroe;	Carley, Cortland;
Tuttle, Steuben;	S. R. Welles, Seneca;
Robinson, Wayne;	Clark, Orange;
Jackson, Madison;	Bulmer, Queens.
Van Buren, Montgomery;	

On Roads and Bridges.

Mr. Root, Monroe;	Mr. D. Russell, Otsego;
Beach, Schuyler;	Bradley, Cattaraugus;
Sisson, Washington;	Newton, Greene;
Jackson, Madison;	Thilemann, New York;
Bemis, Chenango;	S. R. Welles, Seneca.
Bingham, Erie;	

On Public Printing.

Mr. Chickering, Lewis;	Mr. Sisson, Washington;
Gates, Wayne;	Donoho, New York;
Jackson, Madison;	Smith, New York;
Young, Broome;	McCarthy, New York;
Draper, Albany;	McTernan, Kings.
L. S. Carpenter, Dutchess;	

On Public Health.

Mr. Fenner, Chautauqua;	Mr. Derrick, Rensselaer;
Palmer, Wyoming;	Lewis, Delaware;
Hayes, New York;	Newman, Kings;
Roberts, Oneida;	Donoho, New York;
Hunter, Cayuga;	S. R. Welles, Seneca.
Campbell, Albany;	

On Charitable and Religious Societies.

Mr. Fish, Yates;	Mr. Carley, Cortland;
Sipp, Erie;	Armstrong, Oneida;
Tuthill, Cayuga;	Sheridan, Kings;
Seeley, Monroe;	M. C. Murphy, New York;
Dutcher, Dutchess;	Niles, New York.
Binninger, Jefferson;	

On Public Education.

Mr. Gillette, Columbia;	Mr. Derrick, Rensselaer;
Draper, Albany;	Lasher, Schenectady;
Potter, Saratoga;	J. Murphy, New York;
Young, Broome;	Tully, Kings;
Brehm, New York;	Patten, New York.
Scott, Livingston;	

On Militia.

Mr. Baker, Saratoga;
 Young, Broome;
 Sheehy, Essex;
 Binninger, Jefferson;
 Lasher, Schenectady;
 Turck, Ulster;

Mr. Palmer, Wyoming;
 Brennan, Franklin;
 Newman, Kings;
 Spinola, New York;
 Thilemann, New York.

On Claims.

Mr. Steele, Oswego;
 Brennan, Franklin;
 Congdon, Cattaraugus;
 Crapser, St. Lawrence;
 Bowen, Clinton;
 Boardman, Tompkins;

Mr. Evans, Oneida;
 Gates, Wayne;
 Shanley, Kings;
 Dayton, New York;
 Clark, Orange.

On Federal Relations.

Mr. Hayes, New York;
 Alvord, Onondaga;
 Butler, Warren;
 Cowles, Monroe;
 Dickey, Orange;
 Goodman, Washington;

Mr. Holmes, Genesee;
 Hunter, Cayuga;
 Fanning, New York;
 Niles, New York;
 Finley, New York.

On Game Laws.

Mr. Gorsline, Herkimer;
 E. A. Carpenter, Suffolk;
 D. A. Wells, Fulton & Ham.;
 Binninger, Jefferson;
 Sheehy, Essex;

Mr. Roberts, Oneida;
 Van Buren, Montgomery;
 Benedict, Ulster;
 Cock, Queens.

On State Prisons.

Mr. Tuthill, Cayuga;
 Baker, Saratoga;
 Sisson, Washington;
 Nowlan, Tioga;
 Waring, Kings;

Mr. Dutcher, Dutchess;
 Sheldon, Chautauqua;
 Moller, Westchester;
 Newton, Greene.

On State Charitable Institutions.

Mr. Tuttle, Steuben;
 Phillips, Orleans;
 Howland, Onondaga;
 Raines, Ontario;
 Robinson, Wayne;

Mr. Scott, Livingston;
 Root, Monroe;
 Pinney, Sullivan;
 Clancy, Kings.

On Privileges and Elections.

Mr. Brodsky, New York;
 Gorsline, Herkimer;
 Fish, Yates;
 Hickman, Erie;
 Sheehy, Essex;

Mr. Goodman, Washington;
 Shanley, Kings;
 McCarthy, New York;
 Higgins, Erie.

On Civil Divisions.

Mr. Peck, St. Lawrence;	Mr. Lasher, Schenectady;
Hurd, Erie;	Palmer, Wyoming;
Bowen, Clinton;	Dominic, Schoharie;
Nowlan, Tioga;	Longwell, Steuben.
Holmes, Genesee;	

On Trade and Manufactures.

Mr. Nowlan, Tioga;	Mr. Butler, Warren;
Armstrong, Oneida;	Jackson, Madison;
Campbell, Albany;	Clancy, Kings;
Bunninger, Jefferson;	Dougherty, New York.
Bemis, Chenango;	

On Manufacture of Salt.

Mr. Howland, Onondaga;	Mr. Engel, Kings;
Hunter, Cayuga;	Gallup, Albany;
Holt, Niagara;	Finley, New York;
Gorsline, Herkimer;	Stillwell, Kings.
Gillette, Columbia;	

On Public Lands.

Mr. Low, Niagara;	Mr. Trimble, New York;
Chamberlain, St. Lawrence;	Dougherty, New York;
Brennan, Franklin;	Cleary, Rockland;
Carley, Cortland;	Dayton, New York;
Waring, Kings;	

On Agriculture.

Mr. I. S. Carpenter, Dutchess;	Mr. Roberts, Oneida;
Sheldon, Chautauqua;	Cock, Queens;
Robinson, Wayne;	Gallup, Albany;
D. Russell, Otsego;	Longwell, Steuben.
Lewis, Delaware;	

On Indian Affairs.

Mr. Morgan, Allegany;	Mr. Evans, Oneida;
Congdon, Cattaraugus;	Bulmer, Queens;
Low, Niagara;	Higgins, Erie;
Duguid, Onondaga;	Bogan, New York.
Steele, Oswego;	

On Petitions of Aliens.

Mr. Beach, Schuyler;	Mr. Cowles, Monroe;
Peck, St. Lawrence;	Dickey, Orange;
Bingham, Erie;	Bogan, New York;
Brehm, New York;	Pratt, Albany.
Bradley, Cattaraugus;	

On Two-thirds and Three-fifths Bills.

Mr. Alvord, Onondaga ;	Mr. Hurd, Erie ;
Skinner, Jefferson ;	Brooks, Richmond ;
Husted, Westchester ;	Shanley, Kings ;
Hayes, New York ;	Spinola, New York.
Cullinan, Oswego ;	

On Engrossed Bills.

Mr. Seeley, Monroe ;	Mr. Holmes, Genesee ;
Butler, Warren ;	Holt, Niagara ;
Crapser, St. Lawrence ;	Cleary, Rockland ;
Gates, Wayne ;	Pratt, Albany.
Hickman, Erie ;	

On Grievances.

Mr. Hamilton, New York ;	Mr. E. A. Carpenter, Suffolk ;
I. S. Carpenter, Dutchess ;	Hoffman, Chemung ;
C. H. Russell, Kings ;	Dominic, Schoharie ;
Brodsky, New York ;	Smith, New York.
Baker, Saratoga ;	

On Expenditures of the House.

Mr. D. A. Wells, Fulton & Ham. ;	Mr. Reitz, Kings ;
Chamberlain, St. Lawrence ;	Patten, New York ;
Boardman, Tompkins ;	McTernan, Kings ;
Trimble, New York ;	Engel, Kings.
Fenner, Chautauqua ;	

On Expenditures of the Executive Department.

Mr. Sipp, Erie ;	Mr. J. Murphy, New York ;
D. Russell, Otsego ;	Browne, Otsego ;
Howland, Onondaga ;	Cohen, New York ;
Bemis, Chenango ;	Fanning, New York.
Armstrong, Oneida ;	

On Rules.

Mr. Husted, Westchester ;	Mr. Hurd, Erie ;
Alvord, Onondaga ;	McDonough, New York.
Skinner, Jefferson ;	

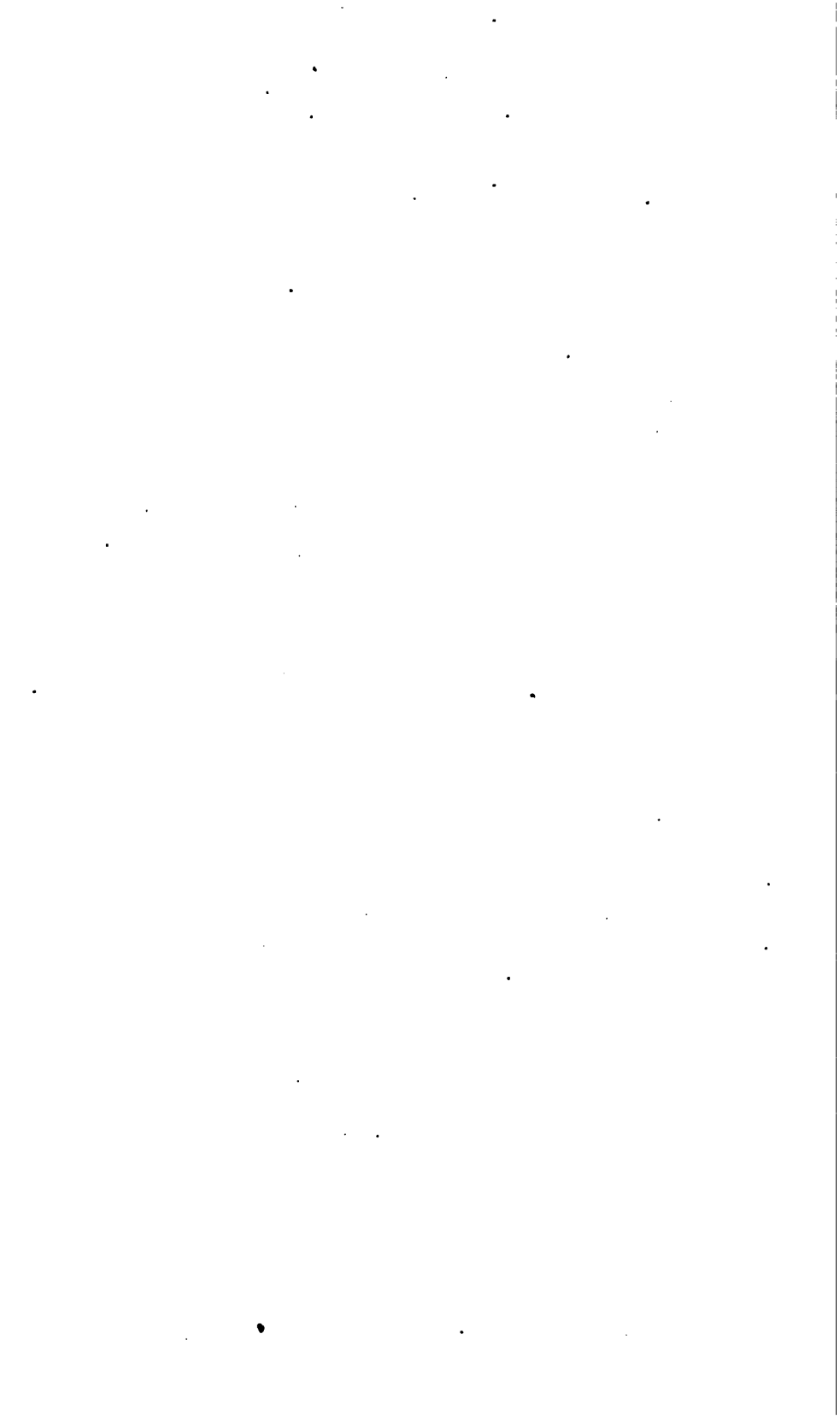
On Joint Library.

Mr. Crapser, St. Lawrence ;	Mr. M. C. Murphy, New York ;
Potter, Saratoga ;	Cohen, New York.
Dutcher, Dutchess ;	

On Sub-Committees of the Whole.

Mr. Phillips, Orleans ;	Mr. D. A. Wells, Fulton & Ham. ;
Hamilton, New York ;	Evans, Oneida ;
Browning, New York ;	Gorsline, Herkimer ;
Moller, Westchester ;	Nowlan, Tioga ;
Everett, Putnam ;	Browne, Otsego ;
Turck, Ulster ;	Tuttle, Steuben ;
Strait, Rensselaer ;	Fish, Yates ;
Peck, St. Lawrence ;	Morgan, Allegany.





FOURTEENTH ANNUAL REPORT

OF THE

TRUSTEES AND OFFICERS

OF THE

INSTITUTION

FOR THE

Improved-Instruction of Deaf-Mutes,

(Lexington Avenue, between 67th and 68th Streets, New York),

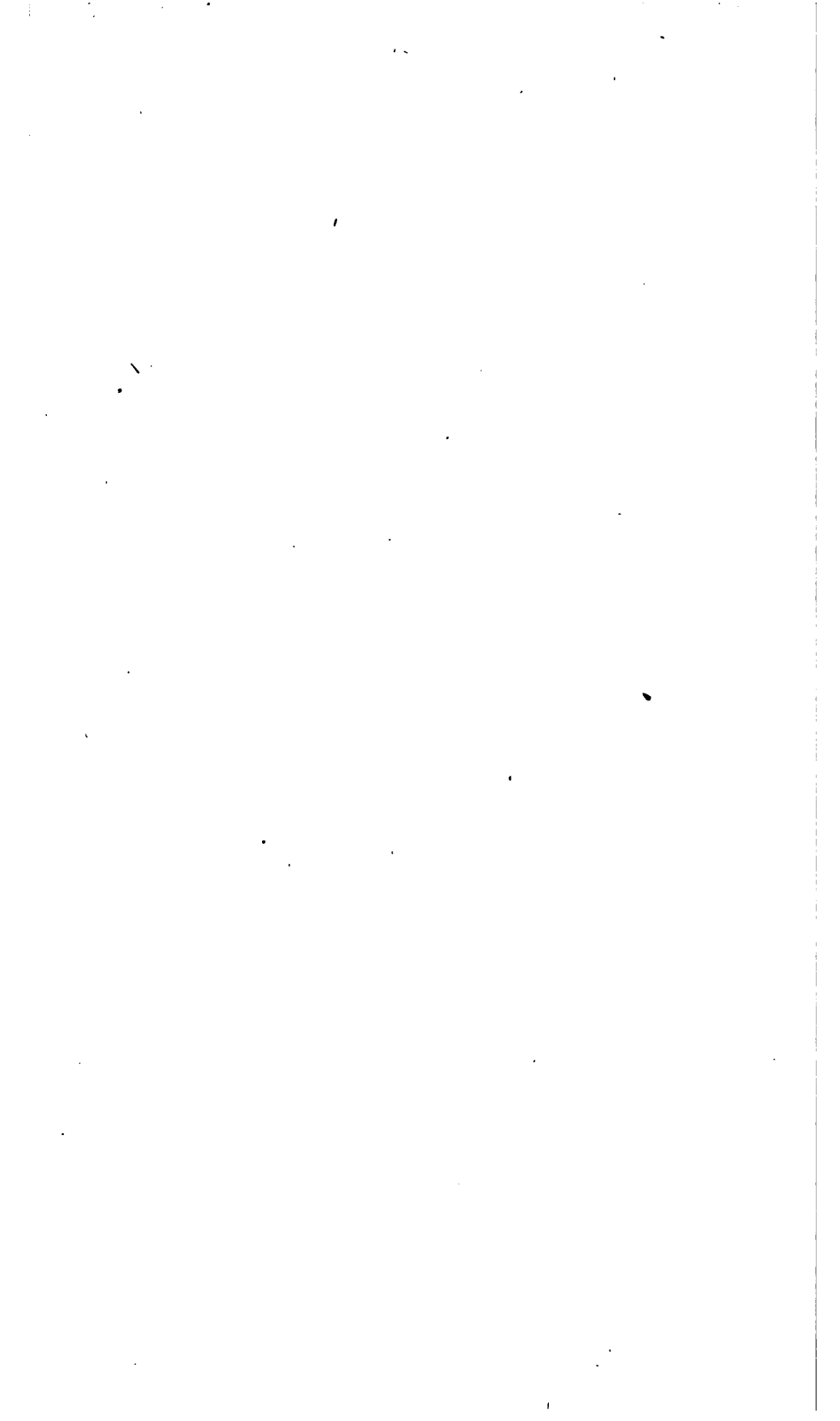
For the Year 1880.

TRANSMITTED TO THE LEGISLATURE JANUARY 17, 1881.

ALBANY:

WEED, PARSONS AND COMPANY, PRINTERS.

1881.



BOARD OF TRUSTEES.

President :

ISAAC ROSENFELD.

Vice-President :

LEVI GOLDENBERG.

Treasurer :

LOUIS GOLDSMITH.

Trustees :

MARCUS GOLDMAN,

MORRIS TUSKÁ,

ISAAC SIPPILI,

EMIL CALMAN,

JULIUS HAMMERSLOUGH,

OSCAR S. STRAUS,

HON. GEORGE SHEA,

NATHAN HERRMANN,

NATHAN LITTAUER,

WILLIAM B. BONN,

CLARENCE A. HENRIQUES,

SAMUEL H. ECKMAN.

Secretary :

HERMANN MOSENTHAL.

STANDING COMMITTEES.

House Committee.

E. CALMAN.
S. H. ECKMAN.
M. TUSKA.
L. GOLDSMITH.

School Committee.

M. GOLDMAN.
J. HAMMERSLOUGH.
O. S. STRAUS.
N. LITTAUER.
C. A. HENRIQUES.
HON. G. SHEA.

Finance Committee.

I. SIPPILI.
W. B. BONN.
N. HERRMANN.
L. GOLDENBERG.

OFFICERS AND TEACHERS.

Principal.

D. GREENBERGER.

Teachers.

L. MOFFAT,
S. W. KEELER,
A. A. BRACE,
A. L. HARE,
I. B. PATTON,

J. S. WATSON,
E. J. ELY,
J. G. HILLARD,
S. S. LANE,
E. L. BROWN,

A. BLACK.

Attending Physician.

M. J. ASCH, M. D.

Matron.

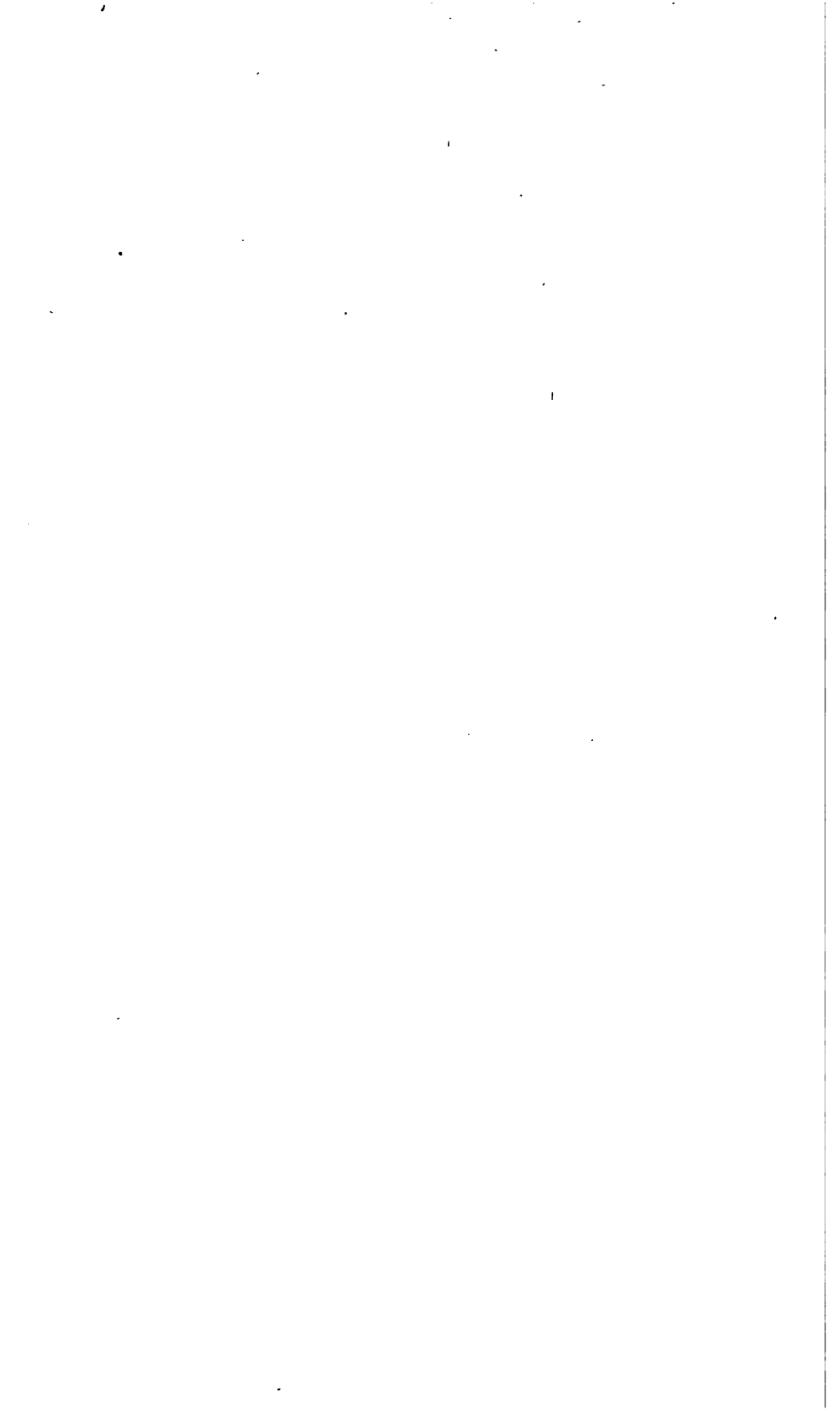
Miss M. E. JOHNSON.

Assistant Matron.

Miss E. W. KING.

Supervisor of Boys.

N. E. HENDRICKSON.



STATE OF NEW YORK.

No. 22.

IN ASSEMBLY,

JANUARY 17, 1881.

FOURTEENTH ANNUAL REPORT

OF THE TRUSTEES AND OFFICERS OF THE INSTITUTION FOR THE IMPROVED INSTRUCTION OF DEAF-MUTES.

STATE OF NEW YORK:

DEPARTMENT OF PUBLIC INSTRUCTION,
SUPERINTENDENT'S OFFICE,
ALBANY, *January 17, 1881.* }

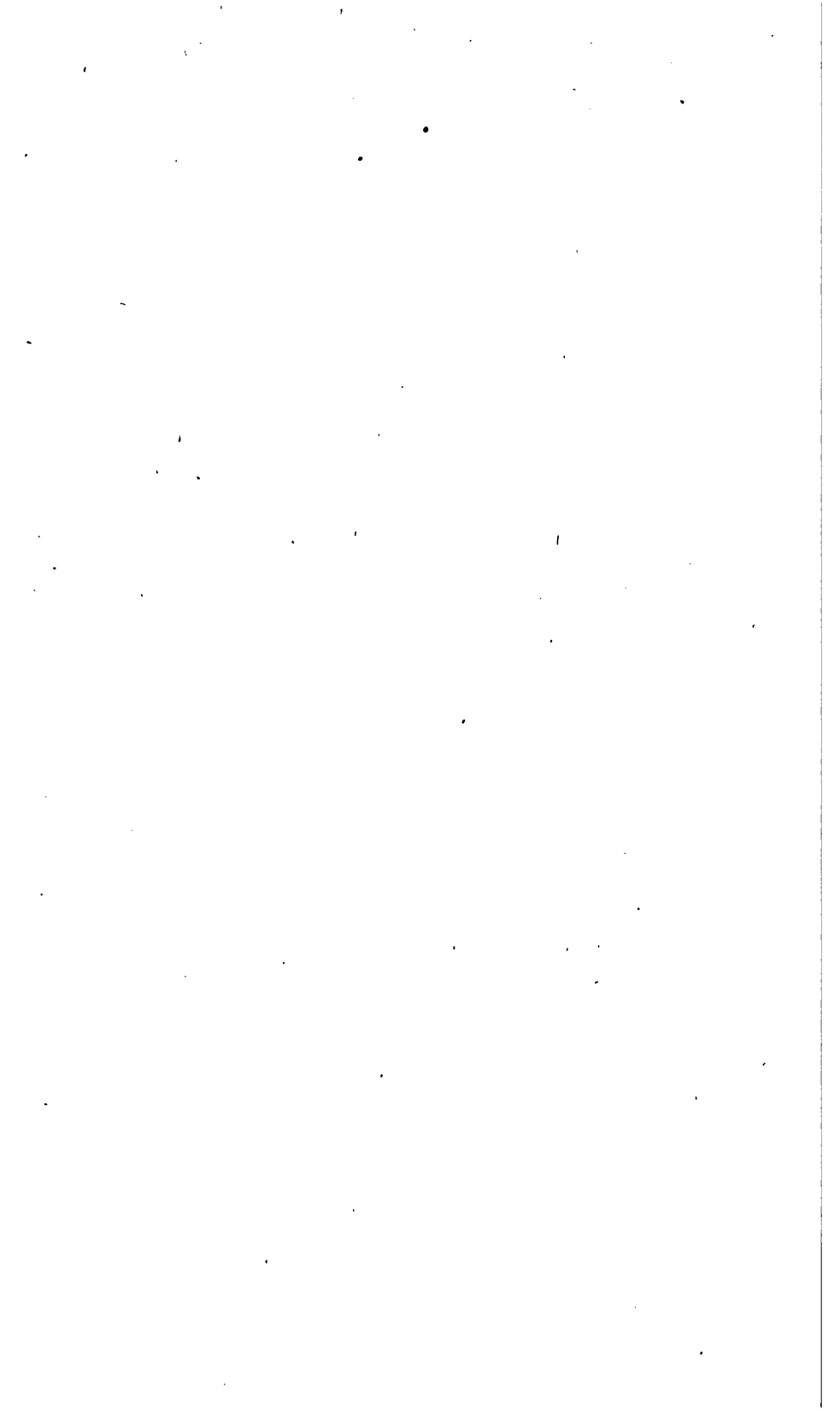
Hon. GEORGE H. SHARPE, *Speaker of the Assembly:*

SIR — I have the honor to transmit herewith the Fourteenth Annual Report of the New York Institution for the Improved Instruction of Deaf-Mutes.

Very respectfully, your obedient servant,

NEIL GILMOUR,

Superintendent.



REPORT OF THE BOARD OF TRUSTEES.

In presenting to the members of the association our report for the past year, which is the fourteenth of its existence, we feel happy to be able again to look back upon our work with satisfaction.

Our institution has enjoyed continued prosperity, as is shown by its increased sphere of usefulness as well as its financial condition.

What has so long been the subject of our most ardent wishes, the erection of a suitable and permanent home, is now already far on its way of realization.

This—the commencement of our new building on Lexington avenue, between 67th and 68th streets—being by far the most important event which has transpired during the past year, it is but fitting that it should occupy the first place in our report.

It would be a needless repetition to state again the reasons which convinced the Board of Trustees that the erection of a new building would not be delayed until the fund required for it had actually been secured by the slow process of accumulation. Indeed, it had become an established fact that, under present circumstances, with our limited accommodations, a further increase of pupils and consequent addition to our earnings, was an absolute impossibility. It appeared equally impracticable to provide increased room otherwise than by erecting our own building, and thus, after mature and careful consideration, the Board of Trustees resolved to lose no further time, and took the necessary steps to accomplish that object.

At a special meeting of the association, held on February 2, 1880, we submitted our plan to the members, who authorized us to proceed with the work, and raise the required funds by issuing certificates of indebtedness of \$250 each, bearing interest at the rate of six per cent. per annum, the total amount not to exceed \$75,000.

This sum added to our building fund already accumulated, was, they thought, sufficient for the purpose; but after the plans have been prepared and contracts awarded, it appears that we shall still be short, though but by a comparatively trifling amount, which we do not doubt to find means to raise without further increasing our liabilities.

No time was lost in carrying out the above resolution. Members of the association as well as friends were applied to for subscriptions to our loan, and in a very short space of time we obtained signatures amounting to over \$70,000.

We take this opportunity to tender our sincere thanks to all those who so readily and kindly responded to our appeal, and thereby placed us in a position to begin the work in earnest.

Some weeks were unavoidably lost in clearing the ground of the "squatters," who had held possession of it for a number of years, and it was not until May that the work of excavating the foundation could be begun.

In the meantime, however, the plans had been carefully matured, and contracts awarded and the building has now so far advanced that we may reasonably hope to see it roofed in before the end of the year, and ready for occupation before the commencement of our next school-term.

On the 4th of this month the corner-stone was laid with appropriate ceremonies, in the presence of a large number of members and invited guests.

We desire to record our grateful acknowledgments of the valuable assistance rendered to us on that interesting occasion, by the Hon. Edward Cooper, mayor of this city, Hon. Noah Davis, chief justice of the supreme court, Rev. Dr. Gottheil, and Rev. Dr. Seabury. Addresses were also delivered by Hon. Judge Shea, Mr. Oscar Straus, members of the board of trustees, and the president, Mr. Isaac Rosenfeld. A detailed account of the proceedings is in course of preparation, and will in due time be distributed among the members of this association.

The building, when completed, will furnish ample accommodation for 150 pupils, with necessary rooms for teachers, servants, etc. It is to be a plain but substantial structure, it being our special endeavor to avoid all superfluous expense for mere ornamental work, but to omit nothing that may be required to insure the health, safety, and comfort of those committed to our charge.

In raising the required funds, we have tried to manage so as to save interest as far as possible; with this aim in view, it was thought best to have our investments undisturbed, until the borrowed money was all used. On the 1st of July, we called in fifty per cent of the subscriber's loan with the option of each subscriber to pay in the entire amount.

A considerable number availed themselves of this privilege, so that out of \$70,250 subscribed, only \$27,875 remained to be called for when required.

It also appeared advisable first to use the interest earned by our investments (instead of adding them to the investment fund as before), and such other moneys as might be available from our regular receipts, and further place on interest such portion of the amount raised by loan, as might not be immediately required.

The details of all these transactions will be found appended to the report of the finance committee, also a specified statement of the probable cost and amounts already expended for building.

Our receipts for pupils' dues amounted to \$34,611.68 and further \$3,620.26 mainly comprised of arrears, owing to us by the State, in consequence of inadequate appropriations for previous years.

The sum of \$500 was presented to the institution by the executors of the late lamented Joseph Seligman, being portion of a legacy left by him for distribution amongst such benevolent or philanthropic institutions as his executors might elect. Our sincere thanks are due for the act of benevolence done in the name of one who, during his lifetime, was in full sympathy with our work, and at an early period one of its active supporters.

Two donations of \$100 each were also received from friends of this institution.

These items, together with interest on our building fund, constitute all the receipts for the past year.

Our current expenditures aggregate to the amount of \$31,104.40 being about \$400 dollars less than last year. This slight decrease is owing to the fact, that only small amounts were needed for the purchase of furniture and household utensils, while during the preceding year, we had to incur the expense of furnishing an entire house. In reality, it will be found on examining the items, that there is an increase of expenditures on nearly all of them, as compared with last year, caused unquestionably, by the higher prices of all necessities of life during this year.

The house committee have not spared any pains to administer the affairs of the institution as economically as possible, but unless the health and comfort of our pupils was to be imperilled, not any of the expenditures could have been dispensed with.

The rent of the buildings occupied by us has been raised, and the amount paid for teachers has also increased.

It will easily be seen that, as long as we are under so heavy a charge of rent, our regular earnings will only just be sufficient to pay our current expenses, especially as we have again been subject to, what we cannot help considering, an unwarranted curtailment of our income for the coming year.

As stated in our last annual report, the State Legislature had then seen fit to reduce our *per capita* allowance for State pupils to \$250.

This took effect from the beginning of the period covered by this report.

We then cherished the hope that it would be possible for us to convince the proper authorities of the inadequacy of this appropriation, but not only did we not succeed in accomplishing this, but the Legislature last spring even resolved still further to reduce our allowance by cutting it down to \$225 *per capita*, for the coming year.

A mere glance at our expenditures, which we repeat cannot be reduced without risk of injury to our pupils and impairment of our usefulness, will suffice to show, that if we had to take all our pupils at the rate allowed by the State, the institution would cease to be self-supporting; the actual cost of maintaining each pupil being fully \$270 per annum.

The president with the principal and some of the trustees proceeded twice to Albany, to present our case to the proper commit-

tee, but without success, and we can only reiterate the hope expressed before, that we may succeed in obtaining an additional appropriation, when it can be shown by actual facts and figures that the present allowance entails an absolute loss upon our finances.

The report of the school committee and principal will give you all the details regarding the progress and present condition of our school. Our roll of pupils contained, on September 30, one hundred and twenty names, being an increase of but two since last year.

We need hardly repeat the statement that the absence of any material increase, is solely due to the fact that we could not possibly accept any more.

As usual, a certain number of pupils left at the close of last school-term and did not return, but their places were immediately filled by others and a number of new applications are constantly on file and more coming.

We fully believe that the accommodation to be afforded by our new building will all be taken up within a short time of its completion.

The health of our pupils, as shown by the physician's report has been excellent, only few cases of sickness having occurred during the year, none of which were of a serious character.

On the 25th of May last, a convention of principals and superintendents of deaf-mute schools was held at Northampton, Mass., under the auspices of an institution based upon the same principle as ours.

Our principal, Mr. D. Greenberger, went there as a delegate, and our system of teaching received full recognition by a majority of the convention.

At an international convention of deaf mute teachers, lately held at Milan, Italy, the superiority of the system of articulation and lip-reading over both the sign and combined methods, was formally acknowledged by the vote of an overwhelming majority; it is to be regretted that circumstances did not permit our being represented on that most interesting occasion.

We again feel special satisfaction in testifying to the ability and efficiency of our principal and present staff of teachers.

Any one who takes the trouble of visiting our classes will soon be convinced of the great patience, energy and perseverance required by a teacher of deaf-mutes, and particularly so with our system.

Our teachers, one and all, fully possess these qualifications, they are devoted to their task, and conscientiously attend to their duties.

A few words should be said in reference to an amendment to our by-laws, which with several others will be proposed for your consideration this evening. It is proposed to increase the limit of the number of regular members from 250, as now fixed, to 400; the board of trustees considered it due to those subscribers to our build-

ing loan, who were not already members, that they should be elected as such, so as to have a voice in the administration of the funds so readily advanced by them.

This action at once brought the number of regular members so near to the limit at present prescribed, that it appears desirable and timely to make the proposed change.

Having thus briefly given the history of our institution during the past year, we can, in conclusion, only once more give utterance to the sincere wish and fervent hope that further prosperity may be vouchsafed to it, and that ever increasing success may attend our humble endeavors to improve the condition of the afflicted ones committed to our care, and ameliorate their misfortune so far as lies in our power.

ISAAC ROSENFELD,
President.

PHYSICIAN'S REPORT.

INSTITUTION FOR THE IMPROVED INSTRUCTION OF }
DEAF-MUTES, NEW YORK, *October 23d*, 1880. }

Mr. ISAAC ROSENFELD, *President*:

DEAR SIR — I have the honor to report that during the past year no disease of an epidemic or grave character has occurred in the institution.

The following cases have been treated by me during the year:

Abscess of parotid	1
Acute inflammation of the middle ear	1
Boils	3
Bronchial catarrh	10
Conjunctivitis	3
Contusion ..	1
Gastric catarrh	3
Indigestion	1
Malarial fever	2
Neuralgia	1
Pharyngitis	1
Rheumatism	1
Spinal curvature	1
Tonsillitis	6
Wry neck	1

I am sir, very respectfully, your obedient servant,

MORRIS J. ASCH, M. D.

REPORT OF THE FINANCE COMMITTEE.

To the President and Board of Trustees of the Institution for the Improved Instruction of Deaf-Mutes:

GENTLEMEN — Your finance committee respectfully reports that they have carefully examined the vouchers, receipts and books of the treasurer and secretary and are gratified to state that they have found the same correct, and all the principal books kept in the most exemplary manner.

The accompanying detailed statement shows the receipts and expenditures during the year commencing October 1, 1879, and ending September 30, 1880, as well as our building account.

Our receipts during this year have decreased, if you take into consideration that the \$3,620.26, collected after the close of last year's account, for dues of pupils, were actually earned during 1878 and 1879, and the cause of such decrease will easily be found in the reduction of the allowance for State pupils from \$275 to \$250 per capita.

The expenses have slightly decreased, but we can safely state that the most rigid economy is necessary to have our expenditures covered by the receipts.

Our building account is clearly detailed, and we consider it our duty to call your attention to its different items. We would recommend timely provisions for the deficiency which appears between the funds at our command and the estimates of the cost of the building, independent of furniture, etc.

Respectfully submitted,

J. SIPPILI, *Chairman,*
C. A. HENRIQUES,
Finance Committee.

RECEIPTS.

Dues of pupils.....	\$34, 611 68	
Dues of pupils due from last year.....	3, 620 26	
		\$38, 231 94
Donations and bequests		700 00
Interest on investments		2, 293 48
Total		<u>\$41, 225 42</u>

EXPENDITURES.

Meat	\$2,567 48	
Bread	1,212 88	
Milk	360 34	
Drugs.....	89 83	
Groceries and provisions	3,258 05	
Repairs	394 14	
Gas.....	267 66	
Furniture	95 09	
Rent	8,509 45	
Dry goods and clothing	1,062 17	
Crockery and hardware	185 69	
Stationery, school materials and printing.	497 93	
Ice	89 37	
Coal.....	601 50	
Salaries.....	9,616 44	
Wages.....	1,888 00	
Medical services.....	150 00	
Fire insurance	54 75	
Delegation to Albany.....	47 79	
Delegation to teachers' convention at Northampton, Mass.....	15 92	
Transportation of pupils, etc	70 64	
Sundry petty expenses	69 28	
<hr/>		
Current expenses—total		\$31,104 40
Addition to building fund		255 70
Contribution to building account.....		9,360 45
<hr/>		
Total		\$40,720 55

RECAPITULATION.

Balance on hand October 1, 1879.....	\$5,051 90	
Receipts	41,225 42	
<hr/>		
Expenditures	\$40,720 55	\$46,277 32
Balance on hand September 30, 1880...	5,556 77	
<hr/>		
		46,277 32

BUILDING FUND.

Balance of previous account	\$41,942 16	
Loss on New York city 7 per cent bonds matured	637 50	
<hr/>		
	\$41,304 66	
Addition from general fund.....	255 70	
<hr/>		
		\$41,560 36

INVESTED AS FOLLOWS:

	Nominal value.	Costs.
New York city 7 per cent bonds due 1885.....	\$10,000 00	\$10,965 27
New York city 5 per cent bonds due 1884.....	10,000 00	10,255 70
United States 6 per cent bonds, registered due 1881.....	10,000 00	11,077 51
United States 4½ per cent bonds, coupon due 1891.....	2,000 00	2,065 00
United States 4½ per cent bonds, registered due 1891.....	3,500 00	3,631 25
United States 4 per cent bonds, registered due 1901.....	3,500 00	3,565 63
	<u>\$39,000 00</u>	<u>\$41,560 36</u>

BUILDING ACCOUNT.

Accumulated building fund.....	\$41,560 36	
Amount of loan subscribed.....	70,250 00	
Paid from general fund.....	9,360 45	
		<u>\$121,170 81</u>

DISTRIBUTED AS FOLLOWS:

New York city and United States bonds cost.....	\$41,560 36	
Loaned on call at 5 per cent against collaterals.....	23,000 00	
Deposited in United States Trust Co...	6,000 00	
Amount of loan not yet collected	27,875 00	
Amount already expended.....	22,735 45	
		<u>\$121,170 81</u>

DETAILED EXPENDITURES TO DATE:

Excavation	\$8,829 60	
Mason	12,000 00	
Architect.....	1,750 00	
Laying of the corner stone.....	77 10	
Removing squatters and other legal expenditures.....	78 75	
		<u>\$22,735 45</u>
Total		<u>\$22,735 45</u>

ESTIMATED COST OF BUILDING IN ROUND NUMBERS.

Excavation	\$11,000 00
Mason work	48,000 00
Cutstone work	7,500 00
Plumbing and gas fitting	6,500 00
Carpenter work, including roofing	38,000 00
Steam-heating apparatus, etc	7,000 00
Iron work	2,700 00
Architect's commission	4,300 00
Incidental expenses	5,000 00
<hr/>	
Total	<u>\$130,000 00</u>

PRINCIPAL'S REPORT.

To the Board of Trustees :

GENTLEMEN — Another fiscal year having come to its close, it becomes my duty to submit the usual statement regarding the condition of the educational department of the institution.

The following statistics shows the changes in the number of pupils since the date of my last annual report, to wit :

	Girls.	Boys.	Total.
Present October 1, 1879.....	50	68	118
Left during the year.....	6	9	15
Re-entered, September, 1880.....	44	59	103
Admitted during the year.....	9	8	17
Present, September 30, 1880.....	<u>53</u>	<u>67</u>	<u>120</u>

Of the nine boys who left us at the close of the last school term four are now fitting themselves to become artists in painting ; one has become an engraver on watches and jewelry ; one found employment in a piano factory ; one is working in his father's bakery ; one in a dyeing establishment, and one is learning to be a tin-smith. Of the six girls, one has become a milliner ; another is earning good wages as a silk weaver, and the rest are remaining at home with their families.

In one of my previous reports I called attention to the fact that deaf-mutes as a class, have as much natural aptness for drawing and painting, as the blind have for music. I have for years made every possible effort to develop the faculties and talents of my pupils in this regard. The fact that four out of the nine young men who have lately been withdrawn, are now devoting themselves to pure art, and one is following the artistic pursuit of engraving, clearly demonstrates that my endeavors in this direction have not been in vain. Our pupils being able to speak and read the lips when they leave us, it is not so difficult to find situations for them, as it is for those deaf-mutes who were educated after the old system, and can communicate by signs and writing only. Employers are more disposed to speak slowly to a deaf person who is able to read the lips than

take the time and trouble of writing for one who cannot communicate by any other means. Nevertheless, I am free to acknowledge that even with the acquired advantages of speech and lip reading, our pupils can successfully engage in a very limited number of occupations. With their artificial speech, they still labor under great disadvantages in competing with hearing persons in any calling, while they are completely debarred from some. For instance, they cannot enter any of the professions; they cannot become merchants, etc., etc. As a rule they are compelled to learn some handicraft in order to be able to earn a living. Among the comparatively few avocations that are left open to them, art and artistic trades seem to be the most appropriate for them.

I regret to say that among the fifteen pupils who did not return to us at the beginning of the current school term, there were six who had not completed the term of instruction which the law allows them, and who could have remained with us from two to four years longer. The desire of their parents to have the benefits of their labors, prevented them from enjoying the full measure of the privileges which a liberal policy of the State has offered to them. Such mistakes on the part of parents are very deplorable. For, deaf-mute children, of all others, should be allowed to acquire all the education that is brought within their reach, and the only places where they can acquire it are the institutions specially provided for them. The time requisite for storing their minds with that amount of knowledge which will entitle them to be classed among the educated, must needs be longer than in the case of hearing children. For when the latter begin to go to school, they already possess a stock of language and an amount of general information which the deaf-mute child can master only after several years of hard and persistent labor on his own part as well as on the part of his teacher. Furthermore, his intercourse with others in after-life is not such a prolific source of mental improvement to him as it is to hearing persons. At best the eye does not answer all the purposes of the ear, and is but a poor substitute for the latter. Hence, the most proficient lip-readers have difficulty in understanding some people, and find it impossible to follow a general conversation in a company consisting of a number of persons. Those deaf-mutes who have intelligent and painstaking parents and brothers and sisters, fare better than those who have none. But even the most fortunate ones in this regard are, to a certain extent, shut out from the world, thrown upon their own resources, and left to their own thoughts. Their lives will, therefore, be much brighter if they have received a good education, and thereby acquired a desire and taste for books and learning.

Now a word about our new beginners. As previously mentioned, we have admitted seventeen during the past year. Of these there are now eleven in the elementary class—the youngest being seven and the oldest ten years of age. It is believed by many that the younger a deaf-mute child is when he begins to articulate, the better his articulation will be. Not unfrequently parents apply to

us for the admission of little children who are not more than three or four years old, stating that they had been advised to place these little ones into an institution of this kind at once, lest their organs of speech should, from want of use, become stiff and unfit to perform their functions in vocal utterance. This popular belief, which is shared by some medical men, is not quite correct. As a rule it is sufficient if the instruction in articulation is commenced before the age of puberty is reached, and I have known persons who began much later, and still became good articulators. I remember particularly one lady, a congenital mute, who began at the age of thirty-three and learned to speak in a very pleasant, natural voice. Such cases are, of course, exceptional; nevertheless they show that the acquisition of a clear enunciation by a deaf-mute is not entirely dependent upon early training. My experience has been that those who commence when they are from eight to ten years old, make the most rapid advancement in the beginning, and become the best articulators in the end. I have never attempted to teach a deaf-mute under six years of age; and only few of those who commenced at six, learned to speak well. Hearing children usually enter the common schools when they are about six or seven years old. Deaf-mutes who, by reason of their infirmities remain infantile in mind and not unfrequently in body also, for a longer time than children possessing all their faculties, should not begin to go to school until a year or two later. A little child of three or four years of age may be fit to go to a kindergarten, but deaf-mute institutions are not intended as such. When the pupils enter they are expected to begin serious school work at once. In order to do this successfully they must be mentally and physically well developed. Especially is this requisite in the case of deaf-mutes entering an institution where the articulating method prevails. The exercises in artificial speech are too laborious and taxing to the lungs and throat to be commenced at the tender age of three or four years. Besides it must be remembered that our pupils have to receive their impressions of the human voice through their eyes instead of their ears, and they have to learn to control the actions of their vocal organs by means of the sense of touch, because they cannot hear their own voices. The intellect of a three or four year old child is not mature enough to enable it to do this successfully. The consequence is that such young children learn to imitate sounds in a defective and imperfect manner only, and by the time that they have become old enough to do better, their habits of faulty pronunciation have become so deeply rooted that it is impossible to eradicate them.

The method of teaching which was pursued with the beginners who were admitted during the last school year, was essentially the same as that used in previous years. A prominent feature of this method is that articulation, reading and writing, are combined and taught simultaneously. The teacher has a chart before her on which the elementary sounds are represented by the common letters of the

alphabet, in such order, however, as they are most readily acquired by a deaf mute. While teaching a pupil how to imitate a certain sound, she points to the corresponding letter on the chart which the child at once tries to copy. Later on, when words and phrases are introduced, every one of these is first presented in writing on the blackboard, from which they are read off by the pupils. This mode of procedure has been in general use in schools where the method of teaching articulation and lip reading is followed, and, to my knowledge, its appropriateness has never been questioned. In preparing an article for the last number of the "American Annals of the Deaf and Dumb," I had occasion to touch on this subject, and expressed myself as follows:

"I should not deem it judicious to commence teaching spoken language to deaf articulators before they have learned to read and write. The first question we usually ask when we hear a new word is: 'How do you spell that word?' Illiterate persons who learn language through the ear only, are very apt to mispronounce words, though their sense of hearing be very acute. If spelling and writing prove such great aids to hearing and speaking persons, it seems to me they are indispensable to a deaf-mute learning to articulate. The eye following the movements of the mouth, some of which are almost invisible, is less reliable than the ear listening to the various sounds composing a word. I have never tried it, but I am inclined to think that it could be next to impossible to teach a deaf person to articulate long words, unless you could write them down and point out every sound represented by the corresponding letter."

A few weeks have elapsed since these lines were written, and the subject has occupied my mind ever since. I must confess that in this short time my views, which I expressed there, have become less definite. I still hold that a deaf-mute who receives his impressions of spoken words through the eye only is greatly aided in his attempts at articulating new words, if he has them before him in writing. But it occurred to me that there is one very serious disadvantage in this system; namely, first impressions being the strongest, it follows that if a deaf child has every new word presented to him in writing, the written words become with him the direct representatives of thoughts, while spoken language remains, for a time at least, a secondary mode of expressing ideas. He is apt to think in written words, so that when he speaks he is compelled to translate from written into spoken language. This is a circuitous way of using speech—just the reverse of the relation which speech and writing bear to each other in the minds of hearing persons. The latter, who learn to speak years before learning to write, employ spoken words as the direct expressions of thought, whereas writing is with them a secondary mode of conveying ideas. For the benefit of those who are not conversant with the subject, I will mention here, that the English language is entirely foreign to a deaf child that was born and brought up in this country, because

he has never heard it. Now it is a well-known fact that we do not completely master a foreign language so long as we are compelled to think in our native tongue and translate from the latter into the former. In other words, we are not able to speak a language well until we have learned to think in it. This is undoubtedly one of the reasons why our pupils who, in consequence of our system, are apt to acquire the habit of thinking in written words, have not made more rapid advancement in the use of spoken language. Therefore, it might be worth while to try the experiment with the next class of new scholars that we admit, not to teach them writing until they have been with us about two years, and spend these first two years of the course in training their voices and making them familiar with the rudiments of language. This plan, if adopted, would involve the most radical change that we ever attempted to make in our mode of teaching. It, therefore, should be most carefully considered before it is introduced. While in the midst of these cogitations, I was fortunate enough to learn that the experiment which is here proposed has been tried in the institution for deaf-mutes in Milan, Italy, and the results were very satisfactory. I have not been able to find out the particulars of the plan pursued there, but am trying to obtain them. It would not be surprising if the Italians, who have made more useful discoveries in science than any nation on the globe, had found the way how to impart to deaf-mutes a better knowledge of spoken language than it has hitherto been possible for them to acquire.

Respectfully submitted,

D. GREENBERGER,
Principal.

NEW YORK, *Sept.* 30, 1880.

CATALOGUE

OF

PUPILS CONNECTED WITH THE INSTITUTION DURING THE YEAR
COMMENCING OCTOBER 1, 1879.

MALES.

Name.	Town or city.	RESIDENCE. County and State.
Adler, Peter.....	New York.....	New York.
Alexander, Jacob.....	New York.....	New York.
August, George.....	New York.....	New York.
Bachrach, Arthur.....	New York.....	New York.
Bailey, Lee W.....	Wellsborough.....	Tioga, Pa.
Bloom, Edgar.....	New York.....	New York.
Bothner, Charles.....	New York.....	New York.
Brown, George.....	New York.....	New York.
Burke, Richard.....	New York.....	New York.
Clayton, William.....	Monroe.....	Orange, N. Y.
Conlon, John.....	New York.....	New York.
Dolan, Charles E.....	New York.....	New York.
Driscoll, Timothy.....	New York.....	New York.
Durian, William.....	New York.....	New York.
Eichelser, Philip.....	New York.....	New York.
Elkin, Bennie.....	New York.....	New York.
Frank, Benjamin.....	Logansport.....	Indiana.
Frankenheim, Samuel...	New York.....	New York.
Freeman, Charles.....	New York.....	New York.
Freyberg, Lewis.....	Poughkeepsie.....	Dutchess, N. Y.
Gass, James.....	New York.....	New York.
Geider, Eckert.....	New York.....	New York.
Geiger, William.....	New York.....	New York.
Giddings, Patrick.....	New York.....	New York.
Gilbert, William.....	New York.....	New York.
Goldberg, Isaac.....	New York.....	New York.
Goldman, Joseph.....	Middletown.....	Butler, Ohio.
Harrihill, Thomas.....	New York.....	New York.
Hart, Harry.....	Chicago.....	Cook, Ill.
Henning, Amandus.....	New York.....	New York.

MALES.

RESIDENCES.

Name.	Town or city.	County and State.
Hirsch, Simon.....	New York.....	New York.
Howe, Mortimer B.....	New York.....	New York.
Kohlman, Henry.....	New York.....	New York.
Kinsey, George.....	Newark.....	Essex, N. J.
Koller, Karl.....	New York.....	New York.
Konzelman, Frank.....	New York.....	New York.
Kretzmar, Diedrich.....	New York.....	New York.
Lanahan, Thomas.....	New York.....	New York.
Lawrence, Charles.....	Newark.....	Essex, N. J.
Le Clercq, Charles.....	New York.....	New York.
Levy, Marx.....	New York.....	New York.
Lewis, Charles H.....	Morganville.....	Monmouth, N. J.
Liebenstein, Alfred.....	New York.....	New York.
Loew, Moses.....	New York.....	New York.
Lonergan, James.....	New York.....	New York.
Lynch, Daniel F.....	New York.....	New York.
McCready, James B.....	New York.....	New York.
McMann, Charles.....	New York.....	New York.
Miller, Henry.....	New York.....	New York.
Miller, Henry W.....	New York.....	New York.
Morreese, Karl J. A.....	New York.....	New York.
Munger, William.....	Bridgeport.....	Fairfield, Conn.
Nuber, Francis.....	New York.....	New York.
Oppenheimer, Irwin.....	San Antonio.....	Texas.
Orr, James.....	Jersey City.....	Hudson, N. J.
Peak, Fred. L.....	Waverly.....	Tioga, N. Y.
Pfeiffer, Adolph.....	New York.....	New York.
Reilly, John C.....	New York.....	New York.
Rogan, Joseph.....	New Brighton.....	Richmond, N. Y.
Ross, James S.....	New York.....	New York.
Samuels, Henry.....	New York.....	New York.
Schindler, Charles.....	Brooklyn.....	Kings, N. Y.
Schlaefter, George.....	Brooklyn.....	Kings, N. Y.
Schmidt, Jacob.....	Greenpoint.....	Kings, N. Y.
Schreiner, John.....	New York.....	New York.
Schwoerer, Louis.....	New York.....	New York.
Singer, Adam.....	New York.....	New York.
Smith, Everett.....	New York.....	New York.
Stevens, Harry E.....	Philadelphia.....	Philadelphia, Pa.
Taggard, George M.....	Brooklyn.....	Kings, N. Y.
Van Thaden, Charles W.....	New York.....	New York.
Wagner, Hiram T.....	Water Valley.....	Yallobusha, Miss.
Whelan, Henry.....	Flatbush.....	Kings, N. Y.
Wilson, James B.....	Brooklyn.....	Kings, N. Y.
Wollman, Julius.....	Brooklyn.....	Kings, N. Y.
Yankauer, Joseph.....	New York.....	New York.

FEMALES.

RESIDENCE.

Name.	Town or city.	County and State.
Abel, Dora.....	New York.....	New York.
Ansbach, Ida.....	New York.....	New York.
August, Bertha.....	New York.....	New York.
Barker, Lilly.....	New York.....	New York.
Bissett, Margaret.....	South River.....	Middlesex, N. J.
Bothner, Henrietta.....	New York.....	New York.
Bothner, Margaret.....	New York.....	New York.
Brink, Laura M.....	Carona.....	Bergen, N. J.
Brinck, Lizzie.....	New York.....	New York.
Cooley, Blanche H.....	New York.....	New York.
Cregier, Ida.....	New York.....	New York.
DeWitt, Mattie.....	New York.....	New York.
Dore, Kate F.....	Brooklyn.....	Kings, N. Y.
Elkin, Minnie.....	New York.....	New York.
Elsworth, Mary L.....	New York.....	New York.
Fluhr, Matilda.....	New York.....	New York.
Freyberg, Priscilla.....	Poughkeepsie.....	Dutchess, N. Y.
Freyberg, Rachel.....	Poughkeepsie.....	Dutchess, N. Y.
Friedman, Esther.....	Brooklyn.....	Kings, N. Y.
Grimm, Louisa.....	New York.....	New York.
Hatch, Alice.....	New York.....	New York.
Henry, Ida.....	Williamsburg.....	Kings, N. Y.
Jacobs, Rachel.....	New York.....	New York.
Jones, Margaret.....	New York.....	New York.
Kearney, Kate.....	New York.....	New York.
Kempenaar, Elizabeth...	New York.....	New York.
Kestler, Katie.....	New York.....	New York.
Klaus, Wilhelmina.....	New York.....	New York.
Labishiner, Dora.....	Albany.....	Albany, N. Y.
Leary, Mary L.....	Poughkeepsie.....	Dutchess, N. Y.
Leichtnam, Anna.....	New York.....	New York.
Magee, Minnie.....	New York.....	New York.
Maxwell, Nellie.....	Brooklyn.....	Kings, N. Y.
Moriarty, Minnie.....	New York.....	New York.
Parker, Isabella.....	New York.....	New York.
Parme, Annie.....	Greenbush.....	Rensselaer, N. Y.
Price, Lilian M.....	New York.....	New York.
Price, Nellie.....	Brooklyn.....	Kings, N. Y.
Prins, Henrietta.....	New York.....	New York.
Reed, Mary.....	New York.....	New York.
Reller, Louisa.....	New York.....	New York.
Renode, Emma.....	New York.....	New York.
Rosenthal, Paulina.....	New York.....	New York.
Singer, Louisa.....	New York.....	New York.
Smith, Ada B.....	New York.....	New York.
Sondberg, Gustava.....	New York.....	New York.
Spanton, Essie H.....	Paterson.....	Passaic, N. J.

FEMALES.

RESIDENCE.

Name.	Town or city.	County and State.
Stimus, Carrie.....	New York.....	New York.
Stone, Fanny.....	New York.....	New York.
Straehle, Paulina.....	New York.....	New York.
Taggard, Frances.....	Brooklyn.....	Kings, N. Y.
Tally, Margaret.....	New York.....	New York.
Thompson, Blanche.....	New York.....	New York.
Volk, Carrie.....	New York.....	New York.
Wardell, Ida L.....	Long Branch.....	Monmouth, N. J.
Werle, Maggie.....	New York.....	New York.
Wollman, Hannah.....	Brooklyn.....	Kings, N. Y.
Males.....		76
Females.....		57
Total		133

ASSOCIATION
FOR THE IMPROVED INSTRUCTION OF DEAF-
MUTES.

BY-LAWS.

ARTICLE I.

NAME.

SEC. 1. This society shall be known under the name of "The Association for the Improved Instruction of Deaf-Mutes."

ARTICLE II.

OBJECTS.

SEC. 1. The objects of the association are:

- (a) To introduce the articulate method as practiced in Germany, by the establishment of an institution based upon, the eclectic system.
- (b) To provide for the care and education of deaf-mutes.

ARTICLE III.

MEMBERSHIP.

SEC. 1. There shall be three grades of membership, viz. : regular life and honorary.

§ 2. Any person may become a member on being proposed at a regular meeting of the board of trustees and elected at a subsequent meeting thereof, by a unanimous vote of the members present at such meeting.

§ 3. Any person on payment of one hundred dollars may be elected a life member.

§ 4. The board of trustees shall have power to elect, as honorary members, persons of distinction, and such as have rendered eminent service to the association; the said board by a three-fourths vote of the members present at any regular meeting shall also have power to strike from the roll, for good and sufficient cause, such as are or may hereafter be elected honorary members, provided notice of such intended action shall have been given at a previous meeting, and the member afforded a reasonable opportunity to present his objections.

§ 5. Regular and life members only shall have the privilege of voting or holding office.

§ 6. Any regular member who absents himself from the meetings of the association for the period of two consecutive years may, by a majority vote of the members present at a regular meeting of the association, be stricken from the roll, provided due notice shall have been given to him of such intended action.

§ 7. The number of regular members shall be limited to two hundred and fifty.

ARTICLE IV.

MEETINGS.

SEC. 1. The annual meeting of this association for the election of trustees, and the transaction of all necessary business, shall be held in October.

§ 2. At such election the polls shall remain open for one hour.

§ 3. Immediately preceding the election, two tellers shall be chosen to act as inspectors of election.

§ 4. Special meetings may be called at any time by the board of trustees, or on the written application of fifteen members.

§ 5. Twenty-five members shall constitute a quorum of the association.

§ 6. Members shall be notified of all meetings at least three days in advance.

ARTICLE V.

ADMINISTRATION.

SEC. 1. All executive power of the association shall be vested in a board of trustees, consisting of fifteen members, eight of whom shall constitute a quorum.

§ 2. At the first annual election, five trustees shall be elected for three years, five for two years, and five for one year; and at each subsequent election, five trustees shall be elected to serve for a term of three years.

§ 3. At the first meeting of the board of trustees following the annual election, they shall elect from their body a president, vice-president, and treasurer, and shall appoint a secretary, all of whom shall hold office for one year, or until their successors are elected and appointed.

§ 4. At the same meeting the board of trustees shall appoint for the ensuing year, from among its members, the following committees, consisting of not less than three each:

- (1.) A house committee.
- (2.) A committee on instruction.
- (3.) A finance committee.

§ 5. The house committee shall have general control of the management of the institution. They shall make all necessary regulations for the government of the same, appoint all employees, ex-

cept instructors, and regulate the conditions for the admission of pupils, subject to the approval of the board of trustees.

§ 6. The committee on instruction, of which the principal shall be a member *ex-officio*, shall have special charge and supervision of the school, and from time to time report and recommend such improvements as they may deem expedient. They shall examine into and decide upon the qualifications of candidates for the position of instructors, and report the same to the board for appointment. They shall provide for an annual examination of the pupils.

§ 7. The finance committee shall audit all bills and accounts, examine from time to time the books of the secretary and treasurer, supervise the investment of the funds of the association, and ascertain and report their condition.

§ 8. The treasurer shall give an approved bond for an amount fixed by the board of trustees, before assuming the duties of his office.

§ 9. No money shall be paid out by the treasurer, except upon warrant signed by the president, and countersigned by the secretary, or the chairman of the finance committee.

§ 10. It shall be the duty of the board of trustees to submit, at the annual meeting, a detailed report of the administration of the affairs of the association, and the transactions of the standing committees.

§ 11. Any vacancy occurring before the close of the term shall be filled by the board until the next election.

§ 12. The board of trustees shall meet at least once a month, except in July and August.

ARTICLE VI.

BUILDING FUND.

SEC. 1. A building fund shall be created by the investment of moneys received for life membership, from special donations and bequests, and of such other moneys as the board of trustees shall decide upon, but no contract for building shall be entered upon without the consent of the association.

ARTICLE VII.

ORDER OF BUSINESS.

SEC. 1. Order of business for the meetings of the board of trustees:

1. Reading of minutes.
2. Reports by the chair.
3. Treasurer's report.
4. Reports of standing committees.
5. Reports of special committees.
6. Nomination and election of members.
7. Unfinished business.
8. New business.

§ 2. Order of business for annual meetings of the association :

1. Reading of minutes.
2. Annual report of the board of trustees.
3. Reports of special committees.
4. Election of trustees.
5. Unfinished business.
6. New business.

ARTICLE VIII.

AMENDMENTS.

SEC. 1. These by-laws may be amended at any meeting of the association, by a vote of two-thirds of the members present, provided that such amendments shall have been presented, in writing, to the trustees, at least thirty days in advance, and by them embodied in the notice for said meeting.

LAWS OF THE STATE OF NEW YORK.

CHAPTER 325.

AN ACT to provide for the care and education of indigent deaf-mutes under the age of twelve years, as amended April twelfth, eighteen hundred and seventy.

PASSED April 25, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it shall be the duty of the overseer of the poor of such town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes.

§ 2. Any parent, guardian or friend of a deaf-mute child, within this State, over the age of six years and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing by satisfactory affidavit or other proof that the health, morals or comfort of such child may be endangered, or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor if satisfied that the parents or natural protectors of such child are, or such child is, in indigent circumstances, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes.

§ 3. The children placed in said institution, in pursuance of the foregoing sections, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed one hundred and fifty dollars each, per year, until they attain the age of twelve years, unless the directors of said institution shall find, as to any such child, that it is not a proper subject to remain in said institution.

§ 4. The expense of the board, tuition and clothing of such deaf-mute children, placed as aforesaid in said institution, not exceeding the amount of one hundred and fifty dollars per year, above allowed, shall be raised and collected as are other expenses for the support of the poor of the county from which said child shall be received, and the bills therefor, properly authenticated by the principal, or one of the officers of said institution, shall be paid to said institution by the said county; and its county treasurer, or chamberlain, as the case

may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

§ 5. This act shall take effect immediately.

CHAPTER 725.

AN ACT to increase the compensation authorized by the act entitled "An act to provide for the care and education of indigent deaf-mutes under the age of twelve years," passed April twenty-fifth, eighteen hundred and sixty-three.

PASSED April 24, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The expenses of the board, tuition and clothing of the children under the age of twelve years, placed in the New York Institution for the Instruction of the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, pursuant to the provisions of the third and fourth sections of chapter three hundred and twenty-five, laws of eighteen hundred and sixty-three, shall until otherwise directed by law, be estimated at the rate of two hundred and thirty dollars per capita, instead of the amount therein provided.

§ 2. This act shall take effect September one, eighteen hundred and sixty-seven.

EXTRACT FROM CHAPTER 555, LAWS OF 1864, TITLE 1, SECTION 9.

Every indigent person, resident of this State, between twelve and twenty-five years of age, whose parent or parents, or, if an orphan, whose nearest friend, shall have been resident in this State for the three years preceding, and who may make application for that purpose, shall be received, if deaf and dumb, into the Institution for Deaf and Dumb, provided his or her application be approved by the Superintendent of Public Instruction; and in those cases where, in his opinion, absolute indigence is not established, he may approve of such application, and at the same time may impose conditions whereby some proportionate share of the expenses of educating and clothing such pupils shall be paid into the treasury by their parents, guardians or friends, in such way and manner, and at such time or times as he shall designate, which condition he may subsequently modify as he shall deem expedient.

CHAPTER 180.

AN ACT relative to the care and education of deaf-mutes.

PASSED April 12, 1870; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections one and two of an act entitled "An act to provide for the care and education of indigent deaf-mutes under [Assem. Doc. No. 22.]

the age of twelve years," passed April twenty-fifth, eighteen hundred and sixty-three, are severally hereby amended by adding to and inserting therein after the words "New York Institution for the Deaf and Dumb," wherever the same occur in said sections, respectively, the words following, viz.: "or in the Institution for the Improved Instruction of Deaf-Mutes."

§ 2. All provisions of law now existing, fixing the expense of the board, tuition and clothing of children under twelve years, placed in the New York Institution for the Instruction of the Deaf and Dumb, shall apply to children who may, from time to time, be placed in said Institution for the Improved Instruction of Deaf-Mutes, in the same manner and with like effect as if said last-mentioned institution had also originally been named in the acts fixing such compensation, and as if said acts had provided for the payment thereof to the institution last mentioned, and the bills therefor, properly authenticated by the principal or one of the officers of the said last-mentioned institution, shall be paid to said institution by the counties respectively from which such children were severally received, and the county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

§ 3. Sections nine and ten of title one of an act entitled "An act to revise and consolidate the general acts relating to the public instruction," passed May second, eighteen hundred and sixty-four, are hereby amended, so that the same shall extend and apply to the said "Institution for the Improved Instruction of Deaf-Mutes," in the like manner and with the like effect as if said last-mentioned institution, as well as the other therein mentioned, had originally been named in the said sections respectively.

§ 4. This act shall take effect immediately.

CHAPTER 213.

AN ACT relative to the care and education of deaf-mutes.

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three, entitled "An act to provide for the care and education of indigent deaf-mutes under the age of twelve years," as amended by chapter one hundred and eighty of the laws of eighteen hundred and seventy, and chapter five hundred and forty-eight of the laws of eighteen hundred and seventy-one, is hereby further amended so as to read as follows:

§ 1. Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it

shall be the duty of the overseers of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, or in the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in the State for the education of deaf-mutes.

§ 2. Section two of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three, as amended by chapter one hundred and eighty of the laws of eighteen hundred and seventy, and chapter five hundred and forty-eight of the laws of eighteen hundred and seventy-one, is hereby further amended so as to read as follows :

§ 2. Any parent, guardian or friend of a deaf-mute child within this State, over the age of six years, and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing, by satisfactory affidavit or other proof, that the health, morals or comfort of such child may be endangered, or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, or in the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in the State for the education of deaf-mutes.

§ 3. Sections three and four of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three are hereby amended so as to read as follows :

§ 3. The children placed in said institutions, in pursuance of the foregoing sections, shall be maintained therein at the expense of the county from whence they came, provided such expense shall not exceed three hundred dollars each per year, until they attain the age of twelve years, unless the directors of the institution, to which a child has been sent, shall find that such child is not a proper subject to remain in said institution.

§ 4. The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institutions, not exceeding the amount of three hundred dollars per year, above allowed, shall be raised and collected as are other expenses of the county from which such children shall be received ; and the bills therefor, properly authenticated by the principal or one of the officers of the institution, shall be paid to said institution by the said county ; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

§ 5. Sections nine and ten of title one of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled

"An act to revise and consolidate the several acts relating to public instruction," is hereby amended so as to read as follows:

§ 9. Every person resident in this State, between twelve and twenty-five years of age, whose parent or parents, or if an orphan, whose nearest friend shall have been a resident in this State for the three years preceding, and who may make application for that purpose, shall be received into one of the following named institutions, viz.: The New York Institution for the Instruction of the Deaf and Dumb; the New York Institution for the Improved Instruction of Deaf-Mutes; the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes, in the city of Buffalo, or the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in this State for the education of deaf-mutes,* either of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of said institution shall receive for each pupil so provided for, the sum of three hundred dollars per annum, in quarterly payments, to be paid by the treasurer of the State, on the warrant of the comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and verified by their oaths. The regular term of instruction for such pupils shall be five years; but the superintendent of public instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated State pupils, and all the existing provisions of law applicable to State pupils now in said institutions shall apply to pupils herein provided for.

§ 6. This act shall take effect immediately.

TERMS OF ADMISSION.

I. This institution is intended for children who are either entirely or partially mute in consequence of congenital or adventitious deafness and cannot be educated in common schools.

II. Candidates for admission must be over six and under fourteen years of age, of ordinary intelligence and constitutional vigor, and free from contagious diseases. They must pass a satisfactory examination regarding these points.

III. Pay pupils from our own State are charged \$400 a year, payable semi-annually, in advance. This sum provides for tuition, board, washing and medical treatment in ordinary cases of sickness.

*So in the original; probably an omission.

IV. Pupils between the ages of six and twelve years to be supported at public expense are admitted to the institution by a certificate from the county supervisor. (See accompanying blank forms Nos. 1 and 2.) Those over twelve must procure, either directly or through the principal of the institution, a certificate from the Superintendent of Public Instruction at Albany. (See blank form No. 3.)

V. All pupils entering the institution are admitted for the current school year. No deduction will be made from the annual charge in consequence of absence on any account whatever, nor for vacation.

VI. The board of trustees reserve to themselves and their officers the right to discharge any pupil for good and sufficient reason.

VIII. The annual vacation extends from the third Wednesday in June until the first Wednesday in September. All pupils are expected to be taken to their homes at this time.

VII. All inquiries and applications for the admission of pupils must be made to the principal at the institution.

No. 1.

APPLICATION FOR THE ADMISSION OF COUNTY PUPILS.

To be made to, and retained by the supervisor.

STATE OF NEW YORK,

COUNTY OF

} ss.:
,

of the town of

is the

of

born on the

day of

, in said county, deposes and says that he
, a deaf-mute child, residing with deponent, and who was
; that in consequence of the infirmity of said child its morals and
comfort cannot be properly cared for in its present situation ; and deponent desires that said child be placed in
the Institution for the Improved Instruction of Deaf-Mutes, for support and education, pursuant to chapter 180 of
the Laws of 1870, as amended by chapter 213 of the Laws of 1875.

Dated

, 187

CERTIFICATE.

To be granted by supervisor or overseer, to be sent to the Institution.

STATE OF NEW YORK, } ss:
COUNTY OF _____,

I have this day selected _____, of the town of _____,
_____ county of _____, who was born on _____ day of _____, 18 _____, 39

as a county pupil in the Institution for the Improved Instruction of Deaf-Mutes, for the term of _____ years from the _____ day of _____, 18 _____, to be educated and supported therein during that period, at the expense of the county of _____, in conformity with the provisions of chapter 180, Laws of 1870, as amended by chapter 213, Laws of 1875.

_____ of the town of _____

Dated _____, 18 _____

No. 3.

APPLICATION.

To be sent to the Superintendent of Public Instruction, Albany, in cases of candidates for admission twelve years of age and over.

The undersigned _____, of the town of _____, in the county of _____, hereby certifies that _____, of said town, is a deaf-mute. The said _____ was _____ years of age on the _____ day of _____, 18____; is of good moral character, free from disease and possesses intellectual faculties capable of instruction. The names of the parents of the said _____ are _____, and the said _____ have resided in this State for the last three years. They respectfully apply for the appointment of said _____ as a State pupil in the Institution for the Improved Instruction of Deaf-Mutes; and I recommend this application to the favorable consideration of the Superintendent of Public Instruction.

Clothing will be furnished by _____

Dated _____, 18____.

_____ of the town of _____

To the Superintendent of Public Instruction, Albany.

APPLICATIONS FOR THE ADMISSION OF PUPILS
SHOULD CONTAIN WRITTEN ANSWERS TO
THE FOLLOWING QUESTIONS.

1. What is the full name of the child?
 2. When was born?
 3. Where was born?
 4. Was born deaf?
 5. At what age did become deaf?
 6. What was the cause of deafness?
 7. Is the deafness total or partial?
 8. Can hear the voice?
 9. Have any attempts been made to remove the deafness?
 10. Did any benefit result from the treatment?
 11. Can the child speak, or read from the lips?
 12. Has been under instruction, and where?
 13. Has paralysis, defective vision, or any signs of mental imbecility or idiocy?
 14. Has had small-pox, or been vaccinated?
 15. Has had scarlet fever?
 16. Has had the measles?
 17. Has had the mumps?
 18. Has had the hooping-cough?
 19. Are there any other cases of deafness in the family? if so, give the names.
 20. Are there any cases of deafness among relatives or ancestors? if so, who.
 21. If any relatives are deaf, what were the causes?
 22. What is the full name of father or guardian?
 23. What is the full name of mother?
 24. What is the occupation of father?
 25. What is the post-office address of father or guardian?
 26. Are both parents living?
 27. Has a second connection been formed by marriage?
 28. Was there any relationship between the parents previous to marriage?
 29. What are the names and ages of the other children?
 30. In what country were the parents born?
-

LOCATION AND ADDRESS.

The institution occupies four large houses, viz. : Nos. 1511, 1513 and 1515 Broadway, and 201 West Forty-fourth street. On or before September 1, 1881, it will remove to the new building now in process of erection on Lexington avenue, between Sixty-seventh and Sixty-eighth streets. All letters should be addressed to the Principal at the institution.

FORM OF A BEQUEST.

I give and bequeath to "The Institution for the Improved Instruction of Deaf-Mutes," incorporated by the Legislature of New York in the year 1869, the sum of _____ dollars.
(Signed)

ASSOCIATION FOR THE IMPROVED INSTRUCTION
OF DEAF-MUTES.*Application for Membership.*

NEW YORK, _____, 187 .

The undersigned respectfully requests you to propose him as a (life) (regular) member of your association.

Name.

Residence.

STATE OF NEW YORK

No. 23.

IN ASSEMBLY,

JANUARY 17, 1881.

COMMUNICATION

FROM THE GOVERNOR, TRANSMITTING AN ACT OF THE
GENERAL ASSEMBLY OF THE STATE OF CONNECTICUT
PROVIDING FOR A COMMISSION TO NEGOTIATE WITH
THE STATE OF NEW YORK CONCERNING FISHER'S
ISLAND.

STATE OF NEW YORK:

EXECUTIVE CHAMBER, }
ALBANY, *January 17, 1881.* }

To the Legislature:

Herewith is respectfully transmitted a certified copy of an act of the general assembly of the State of Connecticut providing for a commission to negotiate with the State of New York concerning Fisher's island.

ALONZO B. CORNELL

[Assem. Doc. No. 23.]



SENATE JOINT RESOLUTION NO. 37.

GENERAL ASSEMBLY, STATE OF CONNECTICUT, }
JANUARY SESSION, A. D. 1880.

(182.)

CONCERNING FISHER'S ISLAND.

WHEREAS, Fisher's island lies near to the coast line of the State of Connecticut, and it is to the advantage of the State that said island should be within its jurisdiction ; therefore

Resolved by this Assembly: SECTION 1. That Origen S. Seymour, Lafayette S. Foster and William T. Minor be and they hereby are appointed commissioners on the part of this State, with power to negotiate with the State of New York or any commissioners which may be appointed by said State, and make an agreement between both States under which the boundary line lately agreed upon by the commissioners of the State of New York and this State may be so changed that Fisher's island may be set to and become a part of the State of Connecticut.

SEC. 2. Said commissioners shall report their doings to the general assembly of this State for ratification, and shall be compensated at the rate of ten dollars each for every day of actual service and their expenses, and in case of the death or resignation of said commissioners, or either of them, the governor is hereby empowered to fill the vacancy or vacancies so occurring.

SEC. 3. That the governor shall cause a duly certified copy of this resolution to be transmitted to the governor of the State of New York.

Approved by the governor March 25, 1880.

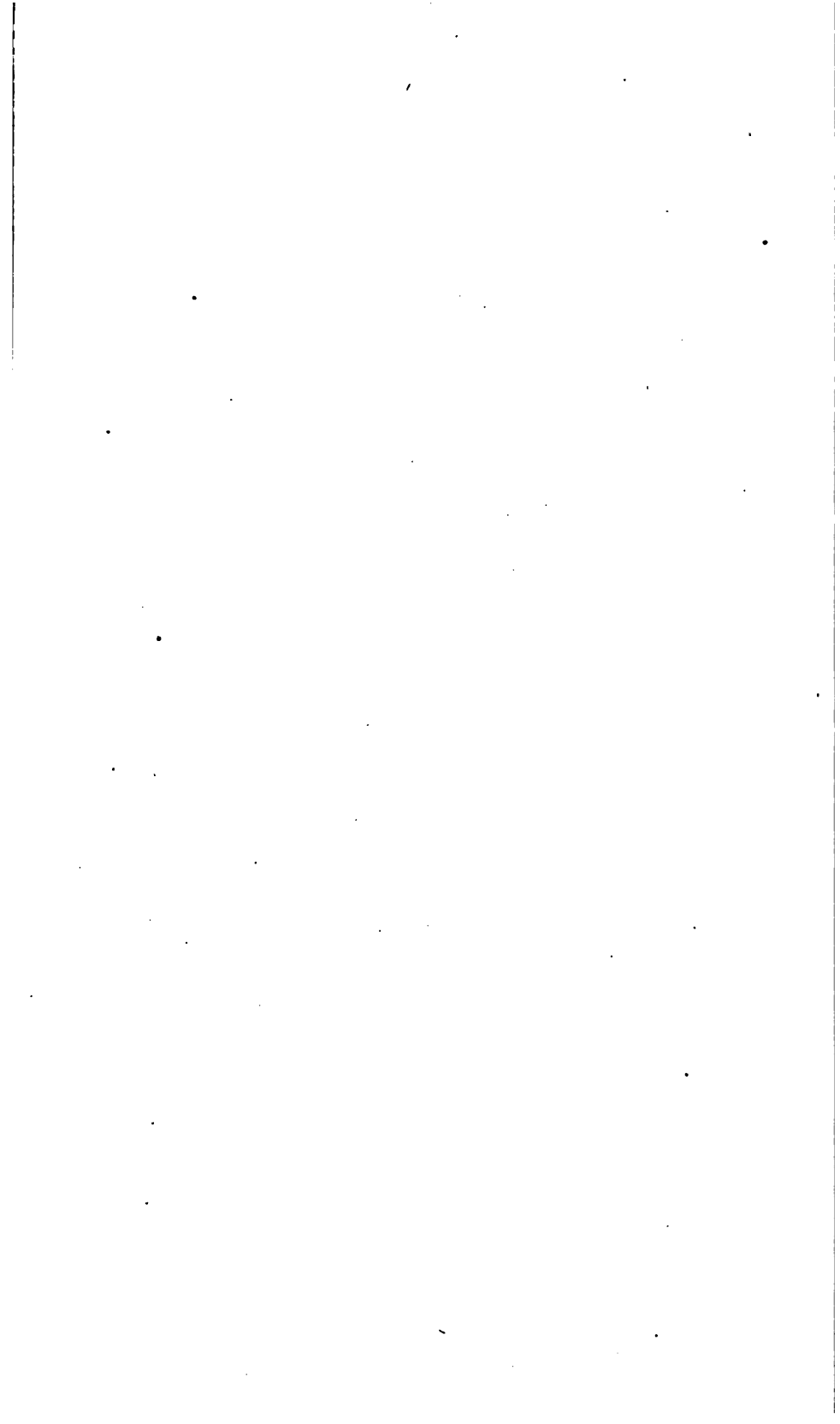
STATE OF CONNECTICUT, }
Office of Secretary of State, } ss.:

I hereby certify that the foregoing is a true copy of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed
[L. S.] the seal of said State at Hartford, this 1st day of December,
A. D. 1880.

DAVID TORRENCE,

Secretary of State.



STATE OF NEW YORK.

No. 24.

IN ASSEMBLY,

JANUARY 17, 1881.

REPORT

OF THE BOARD OF COMMISSIONERS OF PILOTS.
FOR THE YEAR 1880.

STATE OF NEW YORK :

EXECUTIVE CHAMBER, }
ALBANY, *January* 17, 1881. }

To the Legislature :

Herewith is respectfully transmitted the report of the Board of Commissioners of Pilots for the year 1880. .

ALONZO B. CORNELL.

[Assem. Doc. No. 24.]

REPORT.

To the Governor and Legislature of the State of New York :

The Board of Commissioners of Pilots respectfully report :

That under the provisions of the act of the Legislature of June 28, 1853, and its amendments, they have continued to regulate the pilotage of this Port.

The number of Pilots in active service, holding licenses from this Board, is 128 ; the licenses of five others are withheld temporarily, by advice of counsel, in consequence of pending legal proceedings in the Supreme Court.

The boats in service number 21, staunch sea-going vessels, capable of cruising at sea in the roughest weather experienced on our coast, as the nature of the pilotage service demands. In practice their cruising ground extends from Nantucket Shoals to Barnegat, between which points vessels can always obtain New York pilots if wanted. Masters desiring pilots are thus enabled to obtain them just when they are wanted, either well off shore or closer to the Port.

The number of vessels piloted (inward and outward) was 8,966, and the gross amount of pilotage earned was \$668,549.05, being an average pilotage for each vessel of \$74.57 each way. Coastwise vessels being exempt from pilotage, the above were nearly all from foreign ports.

But four complaints of accidents to vessels, which were attributed by the owners to the pilots in charge, were received during the year.

On the 28th of February the steamship State of Nevada went aground off the point of Sandy Hook while in charge of a pilot, where formerly there was good water. A re-survey was ordered by the U. S. Coast Survey, at the request of this Board, and it was ascertained that the point of the Hook had made outward so much that it was deemed necessary to anchor an additional buoy to mark the danger.

The remaining three cases were of vessels which touched bottom lightly and came off with little damage in one case and none at all in the others.

Proper punishment by suspension and loss of pilotage was inflicted by the Board.

Pilot boat "Wm. H. Aspinwall," No. 21, was lost near Fire Island, in April last, while homeward bound in charge of the hands, no pilots being on board. She has been replaced by the new and staunch schooner "America," built especially for the service.

A new boat has also just been launched for the pilots of boat No. 16 and will shortly go into service.

The case of the steamboat "Hercules," which five of the pilots attempted to force into the service without the approval of the Board, and, as is believed, by secret arrangement with the agents of some of the foreign lines of steamers, is still in the courts, the decision of the Supreme Court sustaining the action of the Board being appealed from. This boat was considered by the Board unfit for the service, and while in use remained in the immediate vicinity of Sandy Hook, so that vessels which took pilots from her were obliged to come into dangerous waters to obtain them.

It is the opinion of the Board that if all the boats were of this class, the enterprise and wide-awake qualities for which the New York pilots are justly distinguished would soon deteriorate.

The Board have continued to enforce the regulations established by the several laws of the State for the preservation of the harbor and the removal of accidental obstructions to its safe navigation.

Under the provisions of chap. 522 of the Laws of 1860, they have caused the speedy removal of 17 vessels which were sunk in the harbor. Six of these were removed by contract with the Board and 11 by the owners upon notice from the Board. Two others are now in course of removal by the Board.

Most of these wrecks were worthless hulks used for the transportation of ballast, chalk, clay, &c., and were liable to sink at all times. When sunk they are generally abandoned by the owners (irresponsible parties), and in order to prevent serious accidents by vessels striking upon them the county is obliged to pay for removing them.

For this reason the Board respectfully repeat the recommendation made in their report of last year, that a law be passed requiring all vessels navigating the waters of the Port to be seaworthy.

Large numbers of shad poles were planted in the channel-way of the North River, as usual, and the Board were obliged on two occasions to charter a steamboat and remove those which obstructed navigation on the easterly side of the river. Opportunity was given, however, to the fishermen to save their property and a few availed themselves of it.

The deposit of street refuse in the lower harbor, by the city scows, has continued, but the amount has been much less this year than in previous years, most of it being deposited outside the bar.

The Board respectfully refer to their reports of 1878-9 on this subject, and urge the necessity of providing the city with steam scows to carry its refuse out to sea. They should be provided with as little delay as possible. They are necessary under the present system, and the possession of them will enable the city to make better terms with contractors for removing, burning or otherwise disposing of the refuse materials, should that course be determined upon. Should their use by the Street Department at any time become unnecessary, they could be turned over to the Department of Docks for moving dredgings.

Annexed is a statement of receipts and disbursements for the year, and of the fund which is provided for by section 22 of the pilotage law :

1880.

Jan. 1. Cash on hand.....		\$6,570 87
Rec'd 2 per cent. on pilotage.....	\$13,386 48	
Rec'd for licenses.....	33 75	
" interest.....	1,116 00	
" enforcing harbor laws from Comptroller.....	4,500 00	
		<hr/> 19,086 23
		<hr/> \$25,607 10

Paid for rent.....	\$1,000 00
" legal services.....	1,498 83
" salaries.....	5,449 95
" attendance fee at meetings....	3,162 50
" other expenses.....	1,166 82
" bonds (investment).....	5,043 35

1881.

Jan. 1. Cash on hand....	8,285 65	
		<hr/> \$25,607 10

Harbor Laws Account.

1880.

Oct. 15. Balance due the Board for advances as per quarterly statement made to the State Comptroller this date.....	\$2,528 85
---	------------

1881.

Jan. 1. Expenses accrued to date, 2½ months	800 11
	<hr/> \$3,328 96
Fines collected since October 15.....	60 00
	<hr/> \$3,268 96

Securities.

Cleveland & Pittsburg Railroad stock.....	\$5,000 00
U. S. 4 per cent bonds.....	3,000 00
D. C. 3.65 per cent bonds.....	4,000 00
Second Ave. Railroad 1st mortgage bonds.....	5,000 00
	<hr/> \$17,000 00

Summary.

Bonds, &c., at par.....	\$17,000 00
Cash	8,285 65
Due from the State.....	3,268 96
	<hr/> \$28,554 61

Owing to the general improvement in business, in which the pilots shared, this fund has reached a sum which the Board consider unnecessarily large for the purposes named in the law, and it has been determined, in order to prevent further accumulation, that the percentage collected from the pilots, which the law fixes at not more than 3 per cent, but which has for a number of years been 2 per cent, shall, until further action, be reduced to 1 per cent of the pilotage earned.

This fund arising wholly from the contributions of the pilots, its use is limited to the legitimate purposes of the pilotage act.

The Board respectfully ask for the customary appropriation of \$4,500 for expenses of enforcing the several harbor laws, the duty of administering which the Legislature has placed upon this Board.

All of which is respectfully submitted.

AMBROSE SNOW,
President.

D. A. NASH,
Secretary.

FOURTH ANNUAL REPORT

OF THE

Western New York Institution for Deaf-Mutes,

FOR THE

Year ending September 30, 1880.

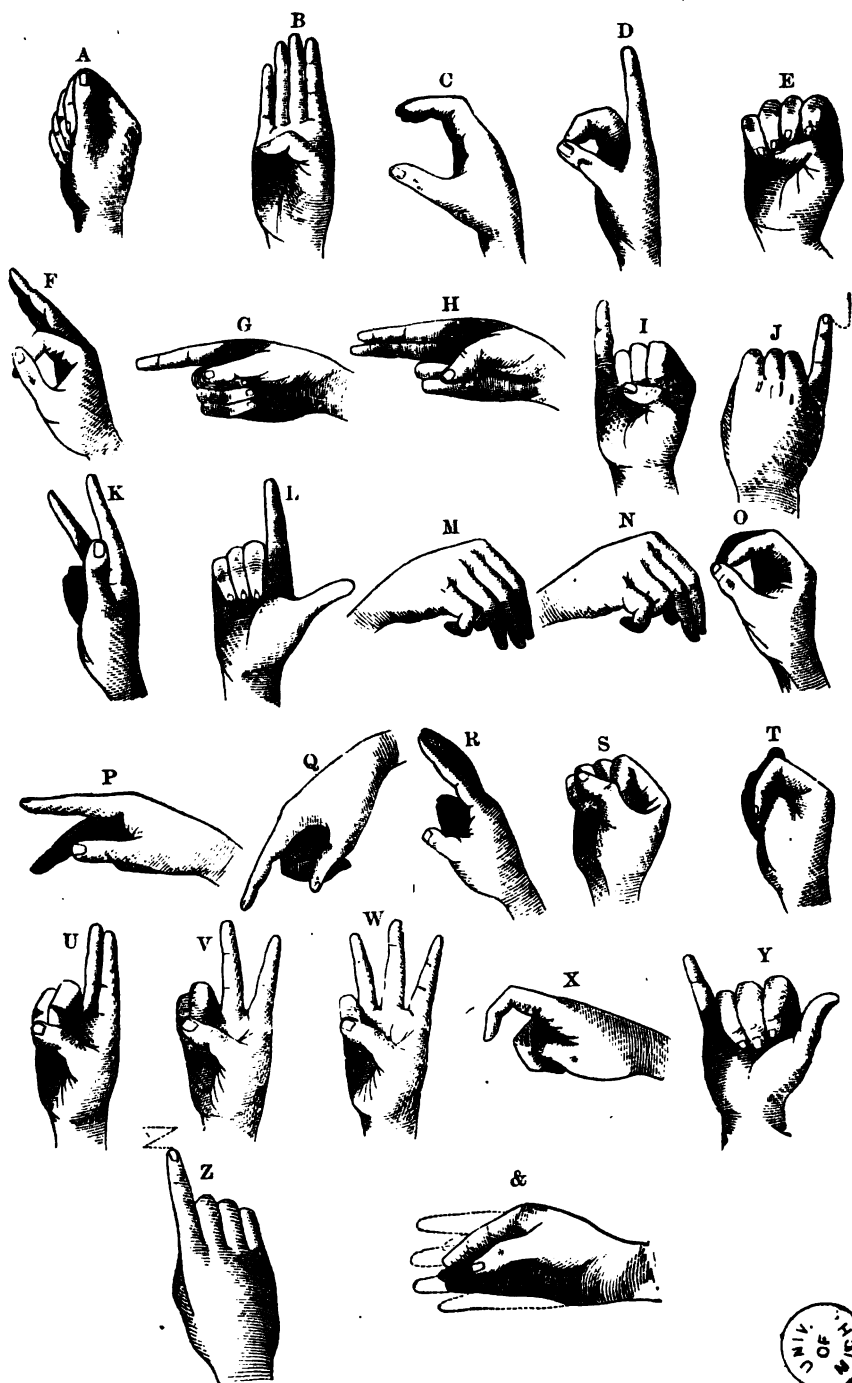
TRANSMITTED TO THE LEGISLATURE JANUARY 15, 1881.

ALBANY :

WEED, PARSONS AND COMPANY, PRINTERS.

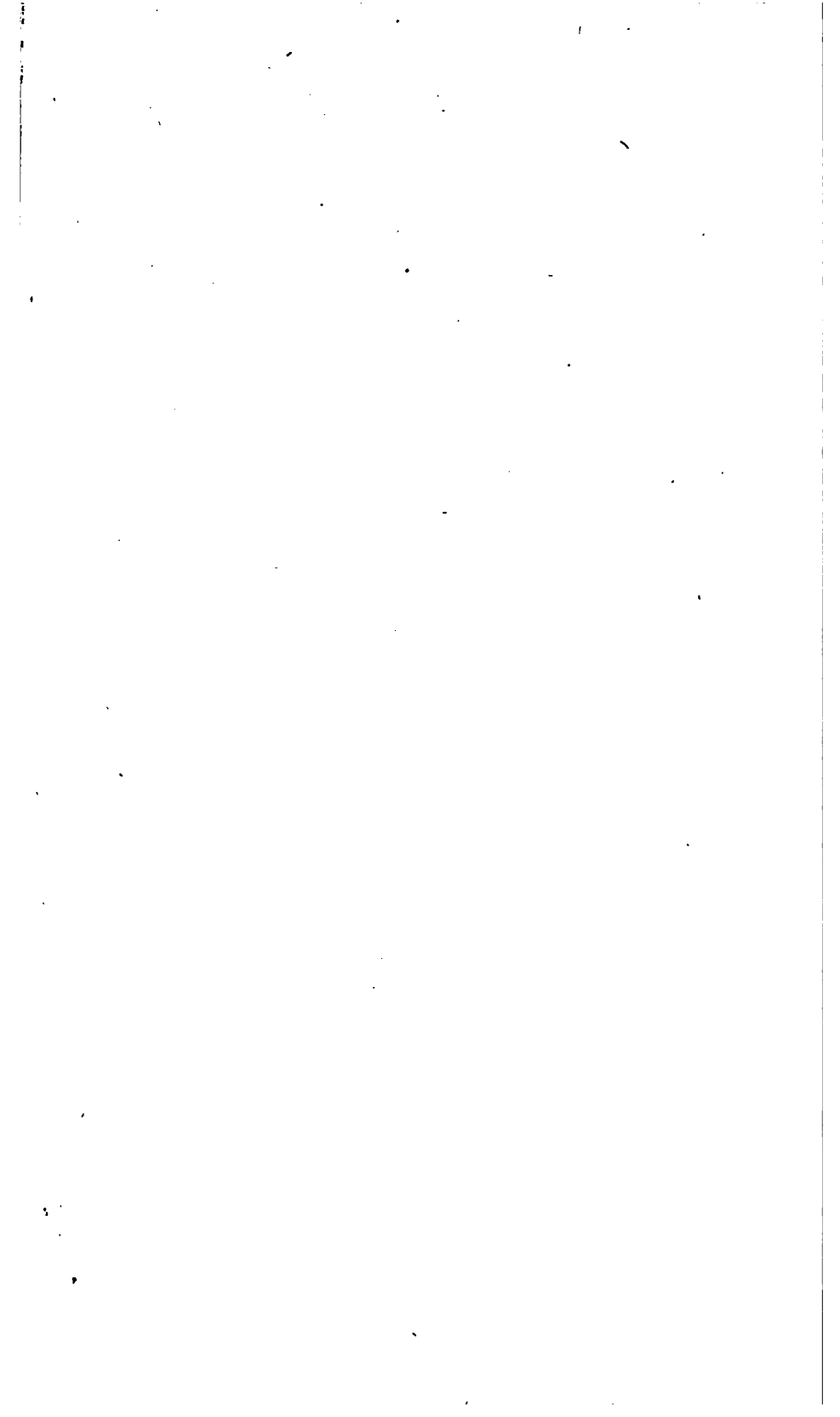
1881.

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DEAF MUTE ALPHABET.





STATE OF NEW YORK.

No. 25.

IN ASSEMBLY,

JANUARY 17, 1881.

FOURTH ANNUAL REPORT
OF THE WESTERN NEW YORK INSTITUTION FOR DEAF-
MUTES.

STATE OF NEW YORK :

DEPARTMENT OF PUBLIC INSTRUCTION, }
SUPERINTENDENT'S OFFICE, }
ALBANY, *January 17, 1881.* }

HON. GEORGE H. SHARPE, *Speaker of the Assembly :*

SIR—I have the honor to transmit herewith the Fourth Annual
Report of the Western New York Institution for Deaf-Mutes,

Very respectfully, your obedient servant,

NEIL GILMOUR,
Superintendent.

BOARD OF TRUSTEES.

HON. E. DARWIN SMITH,	- - - - -	PRESIDENT.
HON. GEORGE G. CLARKSON,	- - - - -	VICE-PRESIDENT.
GILMAN H. PERKINS,	- - - - -	TREASURER.
CHAS. E. RIDER,	- - - - -	SECRETARY.
REV. THOS. GALLAUDET, LL. D.	PROF. S. A. LATTIMORE.	
OSCAR CRAIG.	AARON ERICKSON.	
WM. S. ELY, M. D.	M. F. REYNOLDS,	
JONATHAN E. PIERPONT.	SETH H. TERRY.	
CHAS. F. POND.	EDWARD P. HART.	EZRA ANDREWS.

OFFICERS OF THE INSTITUTION.

Z. F. WESTERVELT, - - - - - PRINCIPAL.

TEACHERS :

Miss H. E. HAMILTON, in charge of Articulation.

WARD T. SUTHERLAND, B. A.	Miss CORNELIA M. ELY.
S. A. ELLIS, A. M.	Miss A. E. THOMPSON.

Miss MAUDE CROSBY.

IN CHARGE OF KINDERGARTEN :

Miss MARY E. TOUSEY,	Miss LUCY W. MCGILL.
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Mrs. M. H. WESTERVELT,	MATRON.
Miss MARY WINNEY,	HOUSEKEEPER.
MAGGIE KENNEDY	KINDERGARTEN ATTENDANT.
MARY HAZARD	"
S. H. HOWARD,	SUPERVISOR.
SAMUEL FRAZIER,	FOREMAN OF CARPENTER SHOP.
MICHAEL DIEMER,	ENGINEER AND GARDENER.

REPORT.

ROCHESTER, N. Y., October 1, 1880.

To the Legislature of the State of New York :

The board of trustees of the Western New York Institution for Deaf-Mutes herewith presents to you its fourth annual report, together with the reports of the treasurer, of the principal, and of the physician.

During the year ending this day one hundred and thirty-five (135) pupils have received instruction in the institution, against one hundred and thirty-three (133) in 1879, one hundred and fifteen (115) in 1878, and eighty-five (85) in 1877. Frequent visits by members of the board have convinced us that as good progress as was possible under the circumstances has been made by the pupils and that great faithfulness and skill have been exercised by the principal, Mr. Westervelt, and by his assistants.

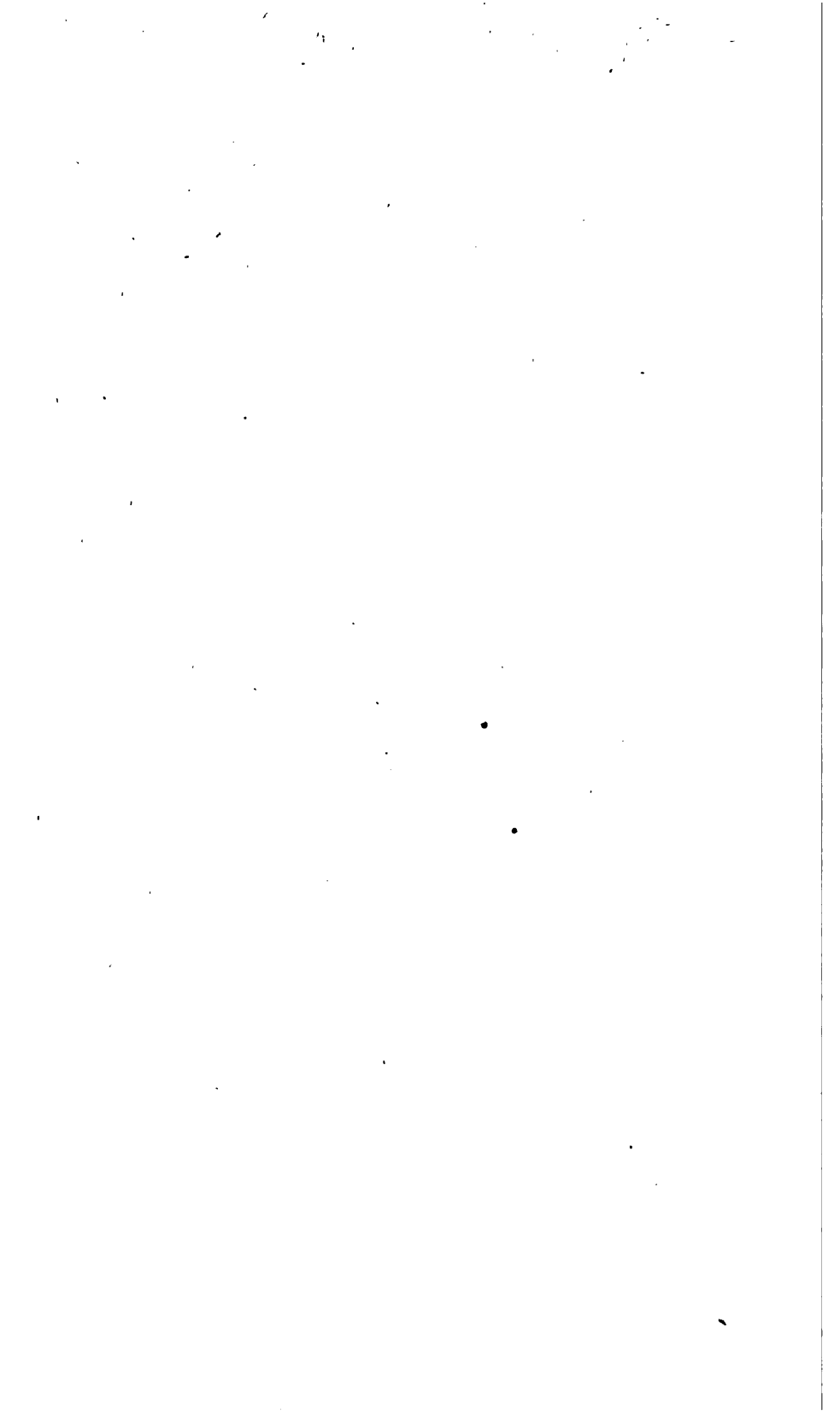
During the year two vacancies in the board have been created ; one by the death of Mr. Aaron Erickson, and one by the resignation of Mr. Oscar Craig. These and one other vacancy have been filled by the election of Messrs. E. R. Andrews, Harvey W. Brown and Edward P. Hart.

For details we refer to appended reports.

Respectfully submitted,

E. DARWIN SMITH, *President.*

C. E. RIDER, *Secretary.*



PHYSICIAN'S REPORT.

The physician rendered a verbal report to the board, ordered reduced to writing, and transmitted to the Legislature to appear in printed report.

To the Board of Trustees of the Western New York Institution for Deaf-Mutes:

GENTLEMEN — In presenting this, my fourth annual report, I regret to say that the year last passed has proved an exceptional one in the history of our institution, so far as the health of the inmates is concerned.

In October, 1879, Prof. Westervelt was so unfortunate as to come under my care, suffering from *acute purulent inflammation of the middle ear*. The attack was one of great severity, leaving him in a debilitated condition, from which he was slow in recovering.

In November and December, 1879, there were five cases of mild *diphtheritic sore throat* among the pupils.

In December, 1879, Louis Seelbach was dangerously sick with *typhoid fever*.

In February, 1880, Earl Wilson, as the truly deplorable result of an injury, *lost the right eye*. Under the skillful care of Dr. Rider, of your honorable board, the patient made a good recovery, and is now wearing, without discomfort, a well-adjusted artificial eye.

On the 9th of April, 1880, Miss A. E. Thompson, one of the teachers, was taken sick with *measles*. The disease ran a mild course to a speedily favorable termination, and, having been separated from the pupils in the first stage of the disease, and removed to the hospital on the first appearance of the eruption, this patient was the only person in the institution who suffered from the malady at that time.

During the month of April, Jennie Van Slyke, one of the older girls, was dangerously sick with *pneumonia*.

As though enraged at an almost complete exclusion from the institution for a period of three years, that dread monster, contagious disease, three times during the remainder of the year, insinuated his loathsome body through, and exultingly reveled within, our walls.

In April one of the pupils, who had been exposed to scarlet fever at her home, returned to school, her parents knowing of the exposure, but not appreciating the danger of allowing her to return to school so soon after. Within one week after the return of this pupil she was taken sick with scarlet fever, and from her the disease rapidly extended

to others. Notwithstanding the complete isolation, by removal to the hospital of every case as soon as it was detected, the exposure had been so general, that twenty-four of the children suffered from the disease before we could beat back the intruder. Of the twenty-four pupils attacked, three were said, by their parents, to have had the disease before. In eight of the cases the disease was of the anginose variety, and was very grave in its nature. Acute purulent inflammation of the middle ear occurred in three of these eight cases. The remaining sixteen cases were mild from the beginning.

At the beginning of the fall term, in September, one of the younger boys returned to school from his home, where he had been thoroughly exposed to *measles*. The second day after his return he was attacked by the disease. From this center the contagion spread until, at the end of four weeks, forty of the pupils had been, or were, sick with the malady.

Andrew Salmond, one of the pupils attacked, was said, by his parents, to have had the disease before. Excluding three cases, two of which had intercurrent pneumonia, and all of which were dangerously sick, there was nothing in this visitation necessitating special comment.

Making its appearance in the latter part of November, 1880, *diphtheria* prevailed, attacking, during the next five weeks, twenty-five of the children. It is worthy of remark that in one of the cases, before the manifestation of any constitutional disturbance, or the appearance of the disease in the throat, a well-marked diphtheritic exudate appeared on the surface of a recent wound. On the second day after the appearance of the membrane on the surface of the wound febrile action came on, and the faucial mucous membrane became reddened, but not until the third day was the diphtheritic membrane plainly visible in the throat. In another case the membrane first appeared in the throat, accompanied by the usual constitutional disturbance, and afterward invaded a recent wound on the knee.

Of the twenty-five pupils sick at this time only five were dangerously sick. In three cases the disease invaded both the anterior and the posterior nares. Paralysis was a sequel in four cases, affecting only the muscles of the soft palate, and the constrictors of the pharynx in three cases, and in the fourth, affecting the same muscles, and also the power of accommodation of the ocular muscles.

Summarizing, the following is a tabular statement of the sickness during the year:

Apoplexy, congestive.....	1
Cellulitis, pelvic.....	1
Diphtheria.....	30
Ear, acute purulent inflammation of.....	4
Eczema.....	1
Eye, injury resulting in loss of.....	1
Fever, scarlet.....	24
Fever, typhoid.....	1
Measles.....	40
Neuralgia, gastric.....	1
Pneumonia.....	3

Total 107

I am glad to be able to report that, of this large number sick, not one died; and I take pleasure in acknowledging that this highly gratifying result was due, in no small degree, to the patience, watchfulness and intelligent care exercised both by the officers of the institution and by those who acted temporarily in the capacity of nurses.

The question will doubtless occur to you — was there not some local cause — some serious defect in the sanitary condition of the institution buildings, or of their immediate surroundings — sufficient in itself to account for the repeated epidemics? This question has been frequently asked me, and I have as often answered, as I now answer, “Most emphatically, no!” If, as I believe, the sole exciting cause of scarlet fever, measles and diphtheria is a specific contagion, and that the specific contagion peculiar to each can no more give rise to any other disease than can a grain of wheat produce both wheat and oats, then it does not seem reasonable that three distinct poisons were concentrated in the institution, lying dormant until the proper combination of circumstances enabled them to propagate and exert their baneful influence.

It should be remembered that, by reason of its location, so near the river bank, the institution possesses natural facilities for drainage which cannot well be surpassed. The sewage, both from the main building and from the out-buildings, runs by a swift descent through a single iron pipe which receives the sewage from these premises only, and is discharged well-down the precipitous river bank in the rear of the institution. At different times, and once in company with Prof. Lattimore of your board, I carefully examined the sanitary condition of the buildings and grounds, and at no time was any unusual defect discovered. The method of warming and ventilating is, to be sure, defective, but not more so than it is in the better class of school buildings in our city.

The great need of our institution, and one that ought promptly to be met, is more and better buildings. That this is so, as to space, the following hastily gathered facts and figures show with an irresistible eloquence:

In the sewing-room (used as a sitting-room also), which is occupied by 39 pupils for six hours every day, the space for each pupil is only 99 cubic feet.

In the chapel (used as a sitting-room also), which is occupied by 37 pupils for six hours every day, the space for each pupil is 209 cubic feet.

Boys' study,	39 pupils,	8½ hours daily,	278 cubic feet.
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School-rooms,	110	“	5	“	244	“
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Sleeping-rooms,	115	“	10½	“	504	“
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Dining-room,	125	“	1½	“	174	“
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How deficient this space is will be appreciated when we remember that it is difficult, even with the aid of a well-devised plan of ventilation, to supply the necessary quantity of fresh air per hour, without creating perceptible draughts, if the space allotted to each occupant of the room is less than 600 cubic feet.

In concluding, I wish to say that most of the sickness which we have had during the last year could have been prevented by the exercise of proper precaution on the part of the parents or guardians of pupils.

It should be understood that no pupil will be allowed to return to school from a home in which other members of the family are, at the time, sick with any contagious disease. After recovering from contagious disease, or after the late recovery of any other member of the family from such disease, both the body and clothing of the pupil should be thoroughly disinfected before leaving home. If it is known to the parents or guardians of a child that he has been exposed to any contagious disease, which he has not already had, they should see to it that he is kept at home until a sufficient length of time has elapsed for the disease to develop if the poison has entered the system.

Respectfully submitted,

M. L. MALLORY.

TREASURER'S REPORT.

WESTERN NEW YORK INSTITUTION FOR DEAF-MUTES IN ACCOUNT WITH G. H. PERKINS, TREASURER.

1879.			
Oct.	9.	By amount from Comptroller of State.. . . .	\$4,016 33
1880.			
Jan.	8.	By amount from Comptroller of State	3,148 61
Feb.	11.	By amount from Onondaga county.....	403 12
	16.	By amount from Livingston county.....	673 94
	16.	By amount from Seneca county.....	502 08
	16.	By amount from Chautauqua county.....	936 60
	21.	By amount from Monroe county.....	5,669 68
March	5.	By amount from Schuyler county.....	371 05
	11.	By amount from Niagara county.....	590 00
	16.	By amount from Albany county.....	189 04
	31.	By amount from Erie county.....	587 50
April	26.	By amount from Comptroller of State.....	3,513 19
July	19.	By amount from Comptroller of State.....	3,584 01
Aug.	26.	By amount from Allegany county.....	60 00
		Total amount of receipts from October 1, 1879, to October 1, 1880.....	\$24,245 15
		To amount paid principal.....	24,952 16
		To amount overdrawn	\$707 01
1879.		To amount overdrawn.....	\$180 94
Oct.	31.	To amount paid principal during month....	299 00
Nov.	30.	To amount paid principal during month....	1,442 71
Dec.	31.	To amount paid principal during month....	2,139 00
1880.			
Jan.	31.	To amount paid principal during month....	1,167 43
Feb.	29.	To amount paid principal during month....	2,892 51
March	31.	To amount paid principal during month....	3,886 02
April	30.	To amount paid principal during month....	1,608 19
May	31.	To amount paid principal during month....	1,609 78
June	30.	To amount paid principal during month....	2,212 51
July	31.	To amount paid principal during month....	4,894 50
Aug.	31.	To amount paid principal during month....	915 98
Sept.	30.	To amount paid principal during month....	1,703 59
			\$24,952 16

GILMAN H. PERKINS,
Treasurer.

REPORT OF THE PRINCIPAL.

To the Honorable Board of Trustees of the Western N. Y. Institution for Deaf-Mutes :

GENTLEMEN.—The number of pupils enrolled the past year is 135 ; 76 males and 59 females ; 72 being State and 63 county pupils. The number of pupils enrolled the previous year was 133, showing an increase of but two. As we have about reached the limit of our accommodations we have made no effort to add to our number, although we recognize the duty of finding and bringing in the deaf children of this section of the State who are not already attending school.

After three and a half years of almost entire exemption from disease, we have at length had a severe experience of sickness. Since my last report we have twice been visited by contagious diseases which became epidemic, although each case as it appeared was at once completely isolated by removal to the hospital. In May and June, we had 24 cases of scarlet fever. This disease was prevailing in the city at the time and was brought into the school by a pupil who was in the habit of going home every Friday night. The sick were at once removed to the institution hospital situated about 40 rods from the school building. As the number of patients increased, and it became necessary to enlarge the hospital accommodations, an extension was made to the main building, one story high, 55 feet long and 16 wide. We were thus provided with ample room for 30 or 40 patients and with all necessary conveniences. Only those who had had scarlet fever were allowed to assist in nursing. Three young ladies, two of them teachers whose classes were reduced by the sickness, assisted by the mothers of four of the children and several employees of the institution, rendered efficient and devoted service in the care of the sick.

At the opening of school in September a little boy returned from home looking ill, and, as we afterward learned, having been exposed to the measles, and showing symptoms of that disease, the second day after his return, he was removed to the hospital. Before the end of five weeks we had had 38 cases of measles. Had the parents of the boy notified us that he had been exposed to contagious disease, the sickness might not have spread through the school. We have great cause for thankfulness in the fact that among more than 60 cases of sickness, many of them severe, not one death has occurred. No more convincing proof could be given of the skill and faithful care of our physician and of the devotion of those who, under his direction, have nursed the sick.

The withdrawal of from twenty to thirty pupils at one time necessarily deranged the regular order of school work, and care and anxiety for the sick weighed heavily upon teachers and officers; yet, with as little interruption as possible, the work of the school was continued.

During the past year we have improved our facilities for articulation work. With the exception of one little boy, who suffers the double affliction of deafness and partial blindness, all our pupils are now receiving systematic instruction in the art of vocal utterance, fifty-five minutes a day being the minimum of time given to each class. Several pupils who came to us with imperfect speech have gained confidence and ability to converse freely. Among the congenitally mute several have learned to speak sufficiently well to make known their wants when at home with their friends. The children of the kindergarten are taught by their own teachers under the direction of Miss Hamilton. All the pupils over twelve years of age are divided into eight classes taught by Miss Hamilton and two assistants.

Into our kindergarten we receive all children under twelve; those who enter at six having six years' instruction in this department. They are constantly under supervision, and the manner of instruction is designed to be such as to make all the incidents and affairs of daily life educative, and to lead the child to learn by observing. This class contains forty pupils who, in two divisions, are under the care of two teachers during the school hours and attended by two nurses while out of school. The little ones spend as much time as possible in out-door games and walks, and when in the house are occupied with games arranged by their teachers for their amusement and instruction. We had found it difficult among the games and occupations of the German kindergarten to find those which could be adopted in the instruction of our children, but in trying to discover the principles underlying the natural development of the child's mind — the principles upon which Froebel's system is based — we have been interested and encouraged in working out a plan of our own. This fall we were so fortunate as to secure a visit from Miss Emily M. Coe, originator of the American kindergarten. In a course of ten lectures Miss Coe explained and illustrated something of the principles and methods of her work. We were delighted with the beauty and completeness of the system which this lady has spent twenty years in developing, and we found in it more than we had hoped of material for our own work. Our little ones have shown great interest in making and arranging collections of "things which God has made," and the curious specimens in these collections, most of them gathered in their daily walks, afford an endless variety of subjects for conversation and study. In order to teach our children successfully in this way, and awaken their minds to an interest in things about them, it is desirable that a cabinet of natural objects be formed, not a collection of rare and costly specimens, but of common things, such as shells and corals, small pieces of minerals and ores, seeds, grains and pressed leaves, cocoons, butterflies, curious bugs and insects, samples of wood with the bark, feathers, different kinds of fur, etc., etc. We have at the institution a fine microscope, and in the class-room several of sufficient power for ordinary work, therefore microscopical objects, mounted or unmounted, would be acceptable. We trust that the parents and friends of all our little ones will manifest their interest in this matter by sending us such articles as they find it convenient to procure.

The resignations of Mr. and Mrs. Whitman and Mrs. Diemer at the close of school in June brought us many changes. Mr. and Mrs. Whitman, who had been with us two years in the capacities of steward

and matron, came to us when a change in the location of our school rendered their experience and personal interest invaluable to us.

When the property we now occupy was first leased it was deemed advisable to remove one-half of the school to this place, and, in order to make this very desirable change, it was necessary that some competent and experienced persons should be found to attend to the setting in order of this building and to take charge of the portion of the family placed here. Mr. and Mrs. Whitman, the parents of the principal, came to assume these important and responsible duties, their purpose being only to remain until the divided school should be reunited in this place. They continued with us because we desired to retain as long as possible their wise and kindly influence and their beneficial aid. We remember gratefully the good they have done us, and trust that their declining years may be years of continued usefulness and happiness in the Master's service.

The place made vacant by the resignation of Mrs. Whitman was filled by Mrs. Westervelt, the wife of the principal.

Mrs. Diemer left us to go to a home of her own. In her our pupils had found a loving and faithful friend and adviser, and we a most efficient and devoted co-laborer. She withdrew with our sincere regrets and hearty good wishes. To the position thus made vacant Miss Dora Worthington was appointed. Though without previous experience in the work, the interest and zeal with which she has undertaken it give promise of success.

We tender our thanks to Mrs. H. A. Bruner for the gift of the American Agriculturist during the past year. Our thanks are also due for the following publications sent to the institution free of charge: Educator, New York Inst. for Deaf and Dumb; Deaf-Mutes' Journal, New York Inst. for Deaf and Dumb; Michigan Deaf-Mute Mirror, Flint, Mich., Inst. for Deaf and Dumb; Mutes' Chronicle, Columbus, Ohio, Inst. for Deaf and Dumb; Mutes' Companion, Fribault, Minn., Inst. for Deaf and Dumb; Deaf-Mute Advance, Jacksonville, Ill., Inst. for Deaf and Dumb; Kansas Star, Olathe, Kans., Inst. for Deaf and Dumb; Deaf-Mute Press, Delevan, Wis., Inst. for Deaf and Dumb; Tablet, Romney, W. Va., Inst. for Deaf and Dumb; Deaf-Mute Record, Fulton, Mo., Inst. for Deaf and Dumb; Index, Col., Inst. for Deaf and Dumb; Naples Record, Naples, N. Y., S. L. Deyon; Hospital Review, Rochester, N. Y., City Hospital; Wide Awake, Boston, Mass., Lothrop & Co.

FINANCIAL STATEMENT FOR 1879-80.

Expenditures.

Groceries and provisions	\$2,725 29
Meat	1,510 29
Milk	885 32
Flour	733 45
Crackers	45 02
Furnishing	1,286 71
Crockery	114 19
Barn and stable	255 31
Light	128 11
Clothing	1,378 22

Hospital, medical attendance, medicine, etc.....	492 98
Buildings and repairs.....	2,452 72
Rent	500 00
Salaries.....	7,988 12
Wages	1,911 33
Books and stationery.....	478 21
Traveling.....	160 56
Telephone and telegraphy.....	110 75
Library	285 36
Cabinet shop.....	46 16
Laundry	150 97

Total expenditures from Oct. 1, 1879, to Oct. 1, 1880, \$23,549 07

Balance of indebtedness Oct. 1, 1879..... 7,399 99

Total liabilities..... \$30,949 06

Receipts.

Amounts received from G. H. Perkins, treasurer \$24,952 16

Balance of indebtedness Oct. 1, 1880..... \$5,996 90

Z. F. WESTERVELT, *Principal.*

ROCHESTER, N. Y., Jan. 14, 1881.

[Assem. Doc. No. 25.]

LIST OF PUPILS.

MALES.

Names.	Town.	County.
Bentil, Charles.....	Buffalo.....	Erie.
Bidwell, William H.....	Brighton.....	Monroe.
Birdsell, Delos C.....	Rochester.....	Monroe.
Bliss, Samuel E.....	Rochester.....	Monroe.
Bly, Kenyon.....	Rathbone.....	Steuben.
Breithaupt, Jacob G.....	Rochester.....	Monroe.
Brewer, Manly.....	Hermitage.....	Wyoming.
Brown, Philip.....	Syracuse.....	Onondaga.
Brundidge, Daniel.....	Wolcott.....	Wayne.
Buck, Delworth M.....	Java.....	Wyoming.
Burns, Willard.....	Rochester.....	Monroe.
Burmeister, John.....	Lancaster.....	Erie.
Benway, Frederick, Jr.....	Queensbury.....	Warren.
Bruner, Harry.....	Albion.....	Orleans.
Cooper, Charles.....	Rochester.....	Monroe.
Christy, Willie.....	Fairport.....	Monroe.
Cunnam, Patrick.....	Marcellus.....	Onondaga.
Critchley, Charles.....	Rochester.....	Monroe.
Clark, Otis E.....	Ulysses.....	Tompkins.
Corner, Melvin.....	Canandaigua.....	Ontario.
Curry, John E.....	Attica.....	Wyoming.
Demott, Edward E.....	Esperance.....	Schoharie.
Dauids, Fred. C.....	Auburn.....	Cayuga.
Deweese, Isaac.....	South Valley.....	Cattaraugus.
Dewitt, Dumont.....	Skaneateles.....	Onondaga.
Eastman, Wm. L.....	Attica.....	Wyoming.
Frissell, Lucien E.....	Kiantone.....	Chautauqua.
Francis, John.....	Wheatland.....	Monroe.
Gates, Nathan L.....	Moreau.....	Saratoga.
Hagginow, Charles.....	Buffalo.....	Erie.
Hahn, Edward F.....	Buffalo.....	Erie.
Hessley, Augustus.....	Syracuse.....	Onondaga.
Hoppe, William J.....	Blossom.....	Erie.
House, Frederick.....	Avoca.....	Steuben.
Hubbell, Alfred.....	Buffalo.....	Erie.
Ingham, Charles.....	Rochester.....	Monroe.
Johnson, Albro.....	Milo.....	Yates.
Julier, Herbert.....	Buffalo.....	Erie.
Kiphut, William.....	Rochester.....	Monroe.
Kimmel, Henry.....	Rochester.....	Monroe.
Klein, August A. J.....	Rochester.....	Monroe.

Names.	Town.	County.
Klein, John G.....	Rochester	Monroe.
Krandosky, Martin.....	Allegany.....	Cattaraugus.
Linnehan, John.....	Niagara.....	Niagara.
Lyon, Anthony.....	Ithaca.....	Tompkins.
Lyons, Albert E.....	Medina.....	Orleans.
McUmbur, James.....	Rochester	Monroe.
Mills, Charles G.....	Buffalo.....	Erie.
Morgan, George C.....	Hartford.....	Niagara.
Mooney, Robert B.....	Dunkirk.....	Chautauqua.
Murray, Frank B.....	Elmira.....	Chemung.
Malmur, Iven.....	New York.....	New York.
Newcomb, John R.....	Rochester	Monroe.
Pasco, Clarence	Romulus.....	Seneca.
Phillipps, Tyler.....	Sodus.....	Wayne.
Rusbeck, Edgar W.....	Sterling.....	Cayuga.
Raub, Joseph C.....	Buffalo.....	Erie.
Rose, James Francis.....	Lockport.....	Niagara.
Roberts, Lyman B.....	Leroy.....	Genesee.
Salmond, Andrew	Dunkirk.....	Chautauqua.
Seilbach, Louis	Buffalo.....	Erie.
Senical, Frank.....	Wolcott.....	Wayne.
Shaw, Edwin.....	Butler.....	Wayne.
Smith, Harry.....	Milo.....	Yates.
Spafford, Frederick.....	Rochester	Monroe.
Skidmore, Willie.....	Elmira.....	Chemung.
Stein, Charles.....	Rochester	Monroe.
Thompson, Lincoln A.....	Portage.....	Livingston.
Thomas, Charles.....	Grove.....	Allegany.
Timmerman, Edward.....	Victor.....	Ontario.
Vandemark, Irving.....	Ithaca.....	Tompkins.
Watts, Robert, Jr.....	Buffalo.....	Erie.
Wake, Esttie E.....	Sodus.....	Wayne.
Weil, Solomon.....	Buffalo.....	Erie.
Wilson, H. Earl.....	Arcade.....	Wyoming.
Wynkoop, Frederick.....	Arcadia.....	Wayne.

FEMALES.

Adams, Sarah.....	Dunkirk.....	Chautauqua.
Adset, Jessie.....	Butler.....	Wayne.
Allen, Frances.....	Albany.....	Albany.
Austin, Jane.....	Red Creek.....	Wayne.
Au, Anna.....	Buffalo	Erie.
Avery, Eliza.....	Tyre	Seneca.
Birdsell, Mary Ann.....	Varick	Seneca.
Chamberlain, Julia.....	Southport.....	Chemung.
Carroll, Minnie E.....	Rochester	Monroe.
Fisher, Anna D.....	Clarence.....	Erie.
Finch, Amanda S.....	Carrollton.....	Cattaraugus.
Finch, Rozella.....	Carrollton.....	Cattaraugus.
Fleischhauer, Amelia	Buffalo	Erie.

Names.	Town.	County.
Grasshoff, Annie	Rochester	Monroe.
Halpin, Rose	Rochester	Monroe.
Haller, Caroline K.	Batavia	Genesee.
Hazzard, Mary M	Buffalo	Erie.
Henry, Anna M.	Catharine	Schuyler.
Howell, Minnie E.	Rochester	Monroe.
Humphrey, Ellie M	Rathbone	Steuben.
Johnson, Mattie S.	Palmyra	Wayne.
Lauer, Louisa M	Rochester	Monroe.
Leonard, Francis H	Lockport	Niagara.
Lutgen, Clara	Arkwright	Chautauqua.
Mugher, Louisa	Buffalo	Erie.
Miller, Ora D.	Middleburgh	Wyoming.
Morris, Minnie.	Catharine	Tompkins.
Naylon, Minerva	Avon	Livingston.
O'Neil, Margaret	New Stead	Erie.
Overton, Mary	Albany	Albany.
Patterson, Jennie R	Woodhull	Steuben.
Paudel, Anna C	Royalton	Niagara.
Peck, Susie	Ithaca	Tompkins.
Perkins, Carolyn	Rochester	Monroe.
Porter, Annie	Albion	Orleans.
Poole, Sarah H	Rochester	Monroe.
Rich, Adaline C	De Kalb	St. Lawrence.
Scott, Emma	Weedsport	Cayuga.
Sawyer, Louella	Catharine	Tompkins.
Sherbert, Laura	Brighton	Monroe.
Stumpf, Lydia	Buffalo	Erie.
Shank, Anna	Caneadea	Allegany.
Stahl, Sophia	Rochester	Monroe.
Stackel, Margaret	Henrietta	Monroe.
Smith, Lizzie	Buffalo	Erie.
Snyder, Julia	Butler	Wayne.
Theise, Bloume	Rochester	Erie.
Towner, Emma J	Liberty	Steuben.
Thompson, Emma	Clarkson	Monroe.
Twitchell, Sabra	Webster	Monroe.
Van Wey, Amoretta	Pomfret	Chautauqua.
Van Slyke, Jennie	Buffalo	Erie.
Vollrath, Lizzie	Buffalo	Erie.
Webb, Minnie E	Brutus	Cayuga.
Whittleton, Cora	Ridgeway	Orleans.
Winsor, Lydia	Geneva	Seneca.
Willey, Florence H	Lockport	Niagara.
Whitlock, Bertha E	Gates	Monroe.
Wipperman, Catharine	Buffalo	Erie.

APPENDIX.

TERMS OF ADMISSION.

I. Pupils are provided for by the institution in all respects, clothing and traveling expenses excepted, at the rate of \$300 per annum. Clothing will be furnished by the institution, if desired, at an additional charge of \$50. Payment is required semi-annually in advance. Day pupils will be received at a charge of \$200 per annum, including books and stationery, payable semi-annually in advance. The school year for day pupils shall be considered to commence on the first Wednesday in September, and end on the fourth Wednesday in June.

II. The regular time of admission is at the close of the vacation, which extends from the fourth Wednesday in June to the first Wednesday in September. No pupil will be received at any other time, except in very extraordinary cases.

III. No deduction will be made from the annual charge in consequence of absence, on any account whatever, except sickness, nor for the vacation.

IV. Satisfactory security will be required for the punctual payment of bills and the suitable clothing of the pupils. In the case of pupils supported by their parents or friends, a bond will be required, the form of which is annexed to this report.

V. Applications regarding the admission or dismissal of pupils, and all correspondence, must be addressed to the principal.

The post-office address of the institution is 263 North Saint Paul street, Rochester, N. Y.

VI. The selection of pupils over twelve years of age to be supported at the public expense is made by the Superintendent of Public Instruction, at Albany, to whom all communications on the subject must be addressed. Children under twelve years and over six may be admitted to the institution by certificate of any overseer of the poor, or supervisor.

The above terms are to be understood as embracing the entire annual expense to which each pupil is subjected. Stationery and necessary school books are furnished by the institution. No extra charge is made in case of sickness for medical attendance, medicine, or other necessary provisions.

It is suggested to the friends of deaf-mute children that the names of familiar objects may be taught them with comparative ease before their admission, and that the possession of such knowledge in any degree materially facilitates their subsequent advancement. To be able to write an easy hand, or at least to form letters with a pen, is likewise a qualification very desirable. In reference to this subject it is recommended that the words which constitute writing lessons or *copies*, preparatory to admission, should be such as have been previously made intelligible to the learner.

In the case of each pupil entering the institution, it is desirable to obtain written answers to the following questions. Particular attention to this subject is requested.

1. Name of the pupil in full.
2. Name and post-office address of correspondent.
3. When was pupil born ?
4. Where was he born ?
5. Was he born deaf ?
6. At what age was hearing lost ?
7. Have any attempts been made to remove the deafness, and if so, by whom and with what result ?
8. Have any attempts been made to communicate instruction ?
9. Has he any ability to read the lips, or to articulate ?
10. Has he been vaccinated, or had the small-pox ?
11. Has he had the scarlet fever ?
12. Has he had the measles ?
13. Has he had the mumps ?
14. Has he had the whooping-cough ?
15. Are there any cases of deafness in the family, among relatives or ancestors ?
16. Name of father ?
17. Where was he born ?
18. Name of mother ?
19. Where was she born ?
20. What is the occupation of father ?
21. Has either of the parents died ?
22. Has a second connection being formed by marriage ?
23. Were the parents related before marriage ?
24. Give the names and ages of all the children, in order of their ages ?
25. What is the pecuniary condition of parents — indigent ? Easy circumstances ? Affluent ?
26. Has the pupil ever used ardent spirits or tobacco ?
27. Has he shown marked taste for any particular trade or business, or been accustomed to any regular employment ?
28. Has he any marked peculiarity of appearance ?
29. Color, color of eyes, stature, weight, color of hair ?
30. By whom was this information given ?
31. Date.

Please consult your physician and have him give answers to the following questions :

32. By what disease or accident did he become deaf ?
33. Who was the physician ? Is the above his opinion ?
34. Is the deafness total or partial ?
35. Has the pupil any acute disease, or received any bodily injury ? Is he laboring under any bodily infirmity, defective vision, eruption, malformation of limb, glandular swelling, rupture, epilepsy, chorea, or palsy ?

36. Has he shown any signs of mental unsoundness ?

Physician's name.

Address.

Blank forms will be forwarded on application to the principal of the institution.

LAWS AND BLANK FORMS RELATING TO THE ADMISSION OF PUPILS.

CHAPTER 331, LAWS OF 1876.

“AN ACT in relation to the Western New York Institution for Deaf-Mutes.”

PASSED May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Western New York Institution for Deaf-Mutes, at Rochester, is hereby authorized to receive deaf and dumb persons between the ages of twelve and twenty-five years, eligible to appointment as State pupils, and who may be appointed to it by the Superintendent of Public Instruction, and the Superintendent of Public Instruction is authorized to make appointments to said institution in the same manner and upon the same conditions as to the New York Institution for the Instruction of the Deaf and Dumb.

§ 2. Supervisors of towns and wards and overseers of the poor are hereby authorized to send to the Western New York Institution for Deaf-Mutes, deaf and dumb persons between the ages of six and twelve years, in the same manner and upon the same conditions as such persons may be sent to the New York Institution for the Instruction of the Deaf and Dumb, under the provisions of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three.

§ 3. This act shall take effect immediately.

CHAPTER 325, LAWS OF 1863.

As amended by chapter 213, entitled “An act relative to the care and education of deaf-mutes.”

PASSED April 29, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it shall be the duty of the overseer of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, or in the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in the State for the education of deaf-mutes.

§ 2. Any parent, guardian, or friend of a deaf-mute child, within this State, over the age of six years and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing, by satisfactory affidavit or other proof, that the health, morals or comfort of such child may be endangered, or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, or in the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in the State for the education of deaf-mutes.

§ 3. The children placed in said institutions, in pursuance of the foregoing section, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed three hundred dollars each per year, until they attain the age of twelve years, unless the directors of the institution to which a child has been sent shall find that such child is not a proper subject to remain in said institution.

§ 4. The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institutions, not exceeding the amount of three hundred dollars per year, above allowed, shall be raised and collected as are other expenses of the county from which such children shall be received; and the bills therefor, properly authenticated by the principal, or one of the officers of the institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

§ 6. This act shall take effect immediately.

EXTRACT FROM CHAPTER 555, LAWS OF 1864, TITLE 1, SECTIONS 9 AND 10 (as amended by chapter 213, entitled "An act to provide for the care and education of deaf-mutes.")

PASSED April 29, 1875.

§ 5. Every person resident in this State, between twelve and twenty-five years of age, whose parent or parents, or if an orphan, whose nearest friend shall have been resident in this State for the three years preceding, and who may make application for that purpose, shall be received, if deaf and dumb, into one of the following named institutions, viz.: The New York Institution for the Deaf and Dumb; the New York Institution for the Improved Instruction of Deaf-Mutes; the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in this State for the education of deaf-mutes, *provided his or her application be approved by the Superintendent of Public Instruction.* The pupils so sent to either of the institutions aforesaid shall be provided with

board, lodging and tuition, and the directors of said institution shall receive, for each pupil so provided for, the sum of three hundred dollars per annum, in quarterly payments, to be paid by the Treasurer of the State, on the warrant of the Comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and be verified by their oaths.

The regular term of instruction for such pupil shall be five years ; but the Superintendent of Public Instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated State pupils, and all the existing provisions of law applicable to State pupils now in said institutions shall apply to pupils herein provided for.

APPLICATION.

FOR THE ADMISSION OF COUNTY PUPILS.

To be made and retained by the Supervisor or Overseer of the Poor.

STATE OF NEW YORK, } ss :
County of ,

, of the town of , in said county, hereby certifies that he is the of , a deaf-mute child, residing in said town, and who was born on the day of 18 , and that in consequence of the want of education, the health, morals, and comfort of said child may be endangered or not properly cared for ; and the undersigned hereby makes application for the said child to be placed in the Western New York Institution for Deaf-Mutes, for support and education, pursuant to chapter 325 of the Laws of 1863, as amended by chapter 213 of the Laws of 1875.

Dated , 18 .

CERTIFICATE.

To be granted by the Supervisor or Overseer of the Poor, and sent to the Institution.

STATE OF NEW YORK, } ss :
County of ,

I have this day selected of the town of , county of , son [or daughter] of , who was born on the day of 18 , as a county pupil in the Western New York Institution for Deaf-Mutes, for the term of years from the day of 18 , to the day of 18 , (he being then twelve years of age,) to be educated and supported therein during

that period, at the expense of the county of _____, in conformity with the provisions of chapter 325, Laws of 1863, as amended by chapter 213 of the Laws of 1875.

Dated _____, 18 .

} of the town of _____

FORM OF APPLICATION.

To be sent to the Superintendent of Public Instruction, Albany, in case of candidates for admission twelve years and over.

The undersigned, _____ of the town of _____, in the county of _____, do hereby certify that _____, of said town, is deaf and dumb. The said _____ was _____ years of age on the _____ day of _____, 18 ____; is of good moral character, free from disease, and possesses intellectual faculties capable of instruction.

The names of the parents of the said _____ are _____, and the said parents have resided in this State for the last three years. They respectfully apply for the appointment of said _____ as a State pupil in the Western New York Institution for Deaf-Mutes; and I would recommend the application to the favorable consideration of the Superintendent of Public Instruction. The parents are unable to provide the said _____ with clothing.*

Dated _____, 18 .

} of the town of _____

To the Superintendent of Public Instruction, Albany.

FORM OF BOND.

Know all men by these presents, that we, _____, of _____, in the county of _____ and State of _____, and _____, of _____, in the county of _____ and State of _____, are held and firmly bound unto _____, the treasurer of the Western New York Institution for Deaf-Mutes, and his successors in office, in the sum of _____ dollars, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals. Dated at _____, this _____ day of _____, A. D., _____.

Whereas, _____, of _____, in the county of _____ and State of _____, has been or is about to be admitted into the institution aforesaid :

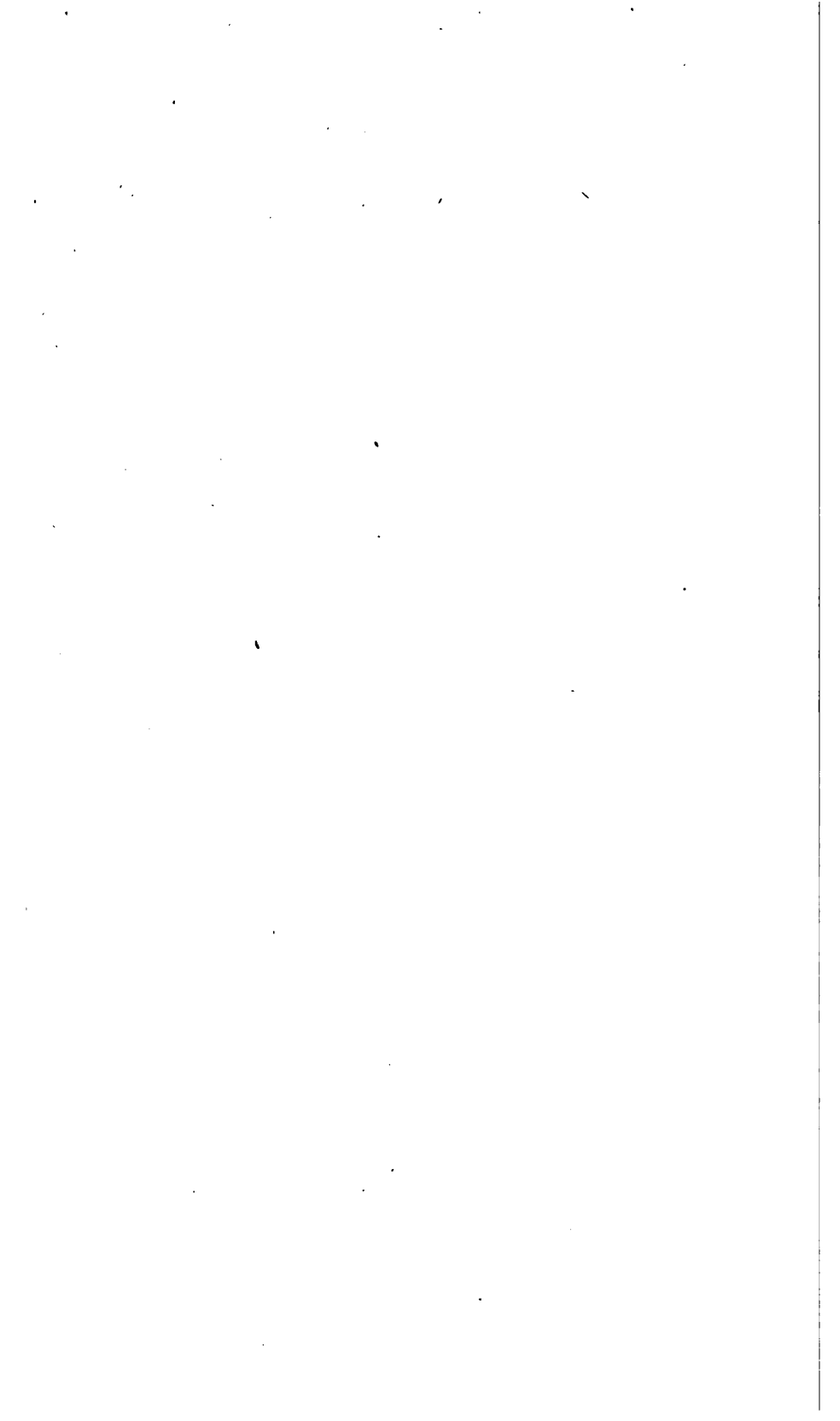
Now, therefore, the condition of this obligation is such, that if the above-named obligors shall well and truly pay during the continuance

*In case the parents are able to provide clothing, the above sentence should be erased.

of the said as such pupil, the sum of three hundred dollars
per annum for board and tuition, semi-annually in advance,
and shall also pay in advance the sum of fifty dollars a year for cloth-
ing; and shall also pay on demand all sums to the account of said
for money or necessary articles furnished to said ;
and shall also pay interest on each bill, from and after the time it
shall become due, then this obligation to be void, otherwise to remain
in full force and virtue.

Sealed and delivered in }
presence of }

[L. S.]
[L. S.]



STATE OF NEW YORK.

No. 26.

IN ASSEMBLY,

JANUARY 18, 1881.

THIRD ANNUAL REPORT

OF THE ST. JOSEPH'S INSTITUTE FOR THE IMPROVED INSTRUCTION OF DEAF-MUTES.

The managers of the St Joseph's Institute for the Improved Instruction of Deaf-mutes herewith submit to the honorable Legislature of the State of New York, their report for the year ending September 30, 1880. They are happy to be able to state that the institution is in a prosperous condition with an increased attendance.

During the past year, 228 pupils have been under instruction ; they were supported in the following manner : By the State of New York, 52, by the counties of New York, 115, by the State of New Jersey, 35, and by parents or the institution, 26.

The general health has been excellent ; one death has occurred, that of a child of nine years, whose malady was contracted while she was spending the summer vacation at home. The progress of the pupils in their different studies has been very satisfactory, and their deportment, with few exceptions, has been highly creditable to their teachers and themselves.

Several important improvements have been made in the different buildings belonging to the institution ; all were necessary, and it would have been unwise to postpone any of them. For some years we have felt the necessity of increasing the size of the girls' house at Fordham. The room which has hitherto been used as a chapel was originally a private parlor, and is much too small to accommodate the number which must gather within its walls ; the sleeping apartments are becoming overcrowded, and the parlors are extremely inconvenient. In consideration of these disadvantages, it was deemed necessary to provide for the increased and increasing number of our pupils, and, during the summer vacation, foundations were laid for the new building now in process of erection. The structure is of brick, and was designed by L. J. O'Connor, architect, New York. It has been our aim to have the work done as cheaply as possible, at the same time omitting nothing necessary for the health and comfort of the inmates.

The building will be heated by steam and lighted by gas; up to the present, kerosene has been used in the institution at Fordham.

The house occupied by the gardener and watchman being in a very dilapidated condition has been torn down and its place supplied by a new dwelling, erected at a moderate cost.

There is due us from the State over \$1,700 on account of a deficiency in the appropriation for 1878. During the last session of the Legislature we made application for the payment of this amount, but our appeal was overlooked. We are, however, hopeful that the matter will be satisfactorily settled, and that we shall receive the deficiency during the course of the present year.

By order of the Board of Managers,

VICTORINE BOUCHER, *President.*

ANNIE M. LARKIN, *Secretary.*

REPORT OF THE PRINCIPAL.

To the President and Board of Managers.

LADIES — Another year has passed away, marked, like its predecessor, by continued peace and prosperity. Although our labors have of necessity been arduous, they have been brightened by the gratitude and affection with which the pupils have repaid the efforts of their teachers, and by the interest which they have taken in their own improvement.

Two hundred and twenty-eight pupils have been in attendance during the year — 87 male and 141 females. Of this number, 52 were supported by the State of New York, and 115 by the counties; 35 by the State of New Jersey, and 26 by parents, guardians or the institution.

The health of all has been remarkably good; even slight ailments have been of rare occurrence, while in many instances children of naturally delicate constitution have grown robust and strong. Our two excellent physicians, Dr. F. Purroy, of Fordham, and Dr. Ross Matheson, of Brooklyn, have been regular in attendance, and by their prompt treatment of cases which appeared to require special attention have done much to preserve the blessing of health.

One death has occurred, that of Mary E. Byrnes, an intelligent semi-mute of nine years. While spending the vacation at her home in Brooklyn, she was attacked by dysentery, which did not at first excite any serious apprehension; but alarming symptoms soon appeared, leaving slight hopes of her recovery. While in this state, she was visited by one of the lady managers who deemed it advisable to remove her from her home in order to give her the best care possible. She was accordingly taken to the institution, where Dr. Ross Matheson did all in his power to alleviate her sufferings and preserve her young life: but nothing could stay the fatal progress of the disease which had already taken so strong a hold on her little frame, and after lingering for some days in great pain, she passed to a brighter and better home.

The educational department has been successfully carried on. The marked improvement of the pupils is no doubt due in a great measure to the plan of monthly examinations which has been put in practice during the year, and which has had the effect of imparting a lively spirit of emulation. At the end of each of these examinations, the sewing, knitting and fancy work of each pupil are brought forward for inspection and the result is a renewed interest on the part of the pupils not only in their studies but also in those useful accomplishments, a knowledge of which is so necessary to their future success. Out of school hours each of the girls is given some household task to perform, the object of which is to fit her for the duties of after-life.

Drawing is taught in all the classes, and a few of our pupils show a decided talent for this beautiful and useful art. Two new classes in articulation have been formed, they are composed of young children, most of them congenital deaf-mutes, who give promise of future proficiency in spoken language; signs have been discontinued in their instruction which is conducted mainly on the conversational plan. Articulation continues to be taught in the other classes, but not to the exclusion of the sign method.

The studies pursued in the institution are about the same as those taught in the common schools; a correct use of the English language, being confessedly the most important and at the same time the most difficult branch which a deaf-mute is required to learn, receives the greatest share of attention; particularly in the junior classes where every lesson, no matter what may be its subject, is made a drill in language.

One great drawback to the advancement of deaf-mutes in the different branches of learning is their imperfect comprehension of the text-books which they are obliged to use. We know that children who are blessed with speech and hearing often fail in recitation or give vague, unmeaning answers because they have not clearly understood the meaning of the text. Is it then surprising that those whose knowledge of language is so limited as is that of the generality of deaf-mutes should be able to glean only confused ideas from the intricate field before them? How often does it happen that at the end of a lesson in which the answers were all promptly and correctly given a few closely put questions on the part of the teacher bring out the fact that, from a wrong understanding of some mood or tense, some of her pupils have construed the meaning in a sense widely different from that originally intended? The lesson may be thoroughly explained by the teacher, but this can remove only a part of the difficulty, it may make clear the meaning of the whole, but it contributes little to the understanding of particular phrases.

When we consider how comparatively few are the forms and idioms which can be learned in a single lesson in language, and the constant repetition necessary to the mastering of any one sentence, we cannot but feel that, for the correct acquisition of language, something more is needed than the daily drill of the school-room. Reading appears to be the most effectual means of supplying this want, and we intend to give it a place upon the programme of exercises for the coming year. On account of the difficulty of obtaining books suited to the capacity of the greater number of pupils, each teacher will be obliged to con-

tribute her share toward the stock of manuscript stories of which we propose to make use.

About a year ago, Mr. Rhodes, the inventor, kindly presented the institution with a dozen audiphones. Willing to avail ourselves of any method which would be of benefit to our pupils, we formed an audiphone class, and for some months a portion of the day was devoted to its instruction. Four or five children, who possessed a very slight degree of hearing, were taught to pronounce a number of sounds, while another, a congenital deaf-mute, heard distinctly with the aid of the audiphone. We believe that if the class could have been continued, a few of our pupils would have been very much benefited; but our present circumstances hardly warrant the employment of a special teacher, and the labor of instructing this class was found to be of so exhausting a nature that we could not feel justified in imposing the task on any of our present teachers.

Respectfully submitted.

MARY B. MORGAN,
Principal.

ACKNOWLEDGMENT.

We return most heartfelt thanks to the following benefactors of the institution. We are particularly grateful for the donations toward the new building, and trust that others of our friends will follow the generous example of those whose names are here mentioned.

DONATIONS IN MONEY.

Mr. Philip O'Rourke.....	\$20 00
Wilkinson family	10 00
Miss M. Donnelly.....	10 00
Miss W. Glynn	10 00
The Misses Sunderland	6 50
Mrs. Tiernan	5 00
A friend.....	5 00
A friend.....	2 60
Mrs. Rousseau.....	1 00
Mrs. Tracy.....	1 00
Mrs. Leahey.....	1 00
Mrs. Batz.....	1 25
Katie Trotter, a pupil.....	2 00
Cecilia Lynch, a pupil.....	1 00
Maria Kneer, a pupil.....	1 00
Helen Eiden, a pupil.....	1 00

One name deserves special mention, it is that of our deaf and blind pupil, Jane McCormack, who for some months quietly laid by the little gifts of money which she received from visitors, until, having

amassed the sum of two dollars, she presented it as her Christmas offering for the benefit of the new building. Little Jane is as fond of toys and candies as other children ; but, although she had many opportunities of spending her money, she resolutely resisted all temptations, keeping her secret to herself until the appointed time, when, with a face radiant with delight, she made the sacrifice of what to her must have appeared a small fortune.

OTHER DONATIONS.

Rev. E. O'Rielly, a sheep; Mr. John McDermott, eight turkeys; Richardson & Co., raisins, nuts and jellies; Mr. Daniel McNamara, three student lamps; a friend, three doz. hats; Miss Griffin, six lbs. candy; Mrs. Leahey, nine doz. eggs; Mrs. Tracy, large fruit cake; Mrs. Dyer, two bottles wine; Mrs. Kneer, cake.

Thanks are also returned for the following papers: New York Tablet, Kansas Star, Deaf-Mute Mirror, Deaf-Mute Leader, Deaf-Mute Journal.

TREASURER'S ACCOUNT

FOR THE YEAR ENDING SEPTEMBER 30, 1880.

EXPENDITURES.

Groceries and provisions.

Apples, 28 barrels.....	\$85 17
Asparagus.....	24 47
Bread, 3,500 loaves.....	177 58
Baking powder, 23 pounds.....	20 30
Barley, 100 pounds.....	4 00
Butter, 3,882 pounds.....	1,125 90
Beans, dried.....	59 95
Berries.....	239 96
Buckwheat.....	4 66
Canned fruits and vegetables.....	75 27
Crackers, 89 boxes.....	95 50
Cakes and buns.....	116 89
Corn meal, 11½ barrels.....	33 60
Corn starch, 102½ pounds.....	8 40
Cider.....	25 00
Cocoa, 251 pounds.....	25 50
Coffee, 732 pounds.....	185 50
Cheese, 239 pounds.....	36 22
Condensed milk, 4 cases.....	34 45
Cranberries, 15 crates.....	52 90
Codfish, 340 pounds.....	26 30
Chickory, 5 pounds.....	1 00
Claret, 3 cases.....	12 00

Currants, 266 pounds.....	\$28 16
Cabbage.....	75 47
Dried peaches and apples, 286 pounds.....	45 17
Dates and figs.....	10 11
Eggs, 1,572 dozen.....	395 32
Extracts.....	4 25
Flour, 206 barrels.....	1,586 35
Fresh fish, 2,201 $\frac{1}{2}$ pounds.....	221 29
Farina, 1 $\frac{1}{2}$ boxes.....	8 00
Fresh meat, 36,588 $\frac{1}{2}$ pounds.....	5,218 02
Grapes, 499 pounds.....	40 58
Gelatine.....	3 75
Hominy, 2 barrels.....	11 50
Ham, 2,079 $\frac{1}{2}$ pounds.....	271 11
Honey, 3 boxes.....	1 35
Hops, 11 pounds.....	5 00
Ice, 21,393 pounds.....	129 75
Ice cream.....	31 25
Jelly, 12 glasses.....	3 00
Lemons, 190 dozen.....	40 33
Lard, 874 pounds.....	76 44
Molasses, 112 $\frac{1}{2}$ gallons.....	60 28
Milk, 2,650 $\frac{1}{2}$ gallons.....	684 89
Marmalade, 4 dozen jars.....	11 25
Maccaroni, 8 boxes.....	20 40
Melons.....	16 65
Mackerel, 7 kegs.....	13 40
Oatmeal, 20 $\frac{1}{2}$ barrels.....	138 25
Oysters.....	53 86
Onions.....	20 40
Oranges, 25 $\frac{1}{2}$ boxes.....	108 76
Pickles.....	20 13
Peas, dried.....	33 28
Peas, green.....	38 87
Peaches, 56 baskets.....	60 82
Pears, 8 baskets.....	13 30
Prunes, 974 $\frac{1}{2}$ pounds.....	96 70
Potatoes, 205 $\frac{1}{2}$ bushels.....	268 61
Potatoes, sweet, 11 $\frac{1}{2}$ barrels.....	47 75
Plums, 2 barrels.....	14 23
Parsnips, beets, etc.....	88 64
Radishes.....	12 42
Rice, 2 $\frac{1}{2}$ barrels.....	44 55
Raisins, 133 pounds.....	16 27
Soup meat.....	91 93
Salt, 11 bags.....	20 35
Sugar, 41 barrels.....	917 03
Syrup, 165 $\frac{1}{2}$ gallons.....	75 23
Sausage.....	17 87
Smoked beef, 93 $\frac{1}{2}$ pounds.....	14 63
Salmon, 8 dozen cans.....	29 20
Sardines, 11 $\frac{1}{2}$ dozen tins.....	24 47

Spinach.....	\$14 27
Soda, 10 pounds.....	1 03
Spices.....	11 08
Samp, 30 lbs.....	1 50
Tea, 674 $\frac{1}{2}$ lbs.....	342 65
Turkey, 471 $\frac{1}{2}$ lbs.....	78 00
Tamarinds, 31 $\frac{1}{2}$ lbs.....	3 15
Tomatoes.....	10 75
Turnips, 35 lbs.....	45 75
Table oil, 2 cases.....	18 50
Tapioca, 170 lbs.....	18 35
Vinegar, 4 bbls.....	29 70
Vermicelli, 3 boxes.....	7 50
Wheaten grits, 7 bbls.....	66 93
Yeast.....	3 60
	<hr/>
	\$14,403 90

Supplies.

Borax.....	\$4 40
Blueing.....	20 69
Bath-brick.....	1 63
Concentrated lye, 54 cans.....	8 30
Coal, 168 tons.....	973 71
Cartage on same.....	68 00
Gas.....	81 18
Machine oil.....	3 00
Matches, 6 gross.....	14 55
Sal soda, 692 lbs.....	11 86
Soap, 3,272 lbs.....	156 89
Starch, 444 lbs.....	30 49
Sapolio, 79 packages.....	5 80
Stove polish, 9 doz.....	4 50
Shoe blacking, 6 doz.....	8 90
Toilet soap.....	4 96
White oil, 6 bbls.....	54 69
	<hr/>
Total.....	\$1,453 64

Clothing.

Aprons, 8 doz.....	\$44 75
Buttons.....	84 44
Braid, 37 $\frac{1}{2}$ doz.....	16 74
Calico, 3,545 $\frac{1}{2}$ yds.....	293 48
Corsets, 54.....	29 74
Collars and cuffs.....	45 77
Cloth, 383 $\frac{3}{4}$ yds.....	306 54
Coats, 14.....	50 15
Caps, 5 doz.....	14 75
Corset steels, 5 doz.....	7 50
Combs, 35 $\frac{1}{2}$ doz.....	23 67

Dress goods, woolen and mohair, 1,922½ yds.....	\$571 02
Dress trimmings and linings	155 05
Darning cotton.....	2 78
Dyeing and cleaning.....	10 60
Elastic	5 45
Emery's	50
Flannel, 539½ yds	191 68
Gingham, 477½ yds.....	62 31
Gloves and mittens, 17½ doz.....	58 27
Hose and half-hose, 72 doz	256 92
Handkerchiefs, 53½ doz.....	43 72
Hats, 26 doz	111 24
Hoods, 10.....	7 28
Hair brushes, 7½ doz.....	9 80
Lawn 43½ yds	8 05
Linen, 39 yds.....	9 44
Muslin, 2,103½ yds	200 31
Needles and pins	16 15
Nets, 3 doz.....	1 50
Nail and tooth brushes, 14 doz	10 47
Ribbon and hat trimmings.....	110 15
Rubbers	1 55
Shoes, 458 prs.....	629 28
Slippers, 16 prs.....	15 43
Shoe mending	221 90
Shoe brushes	13 32
Shoe strings, 4 gross	2 20
Shawls, 13	31 32
Sacques and cloaks, 5	27 75
Skirts, 25.....	17 35
Skirting, 58½	7 99
Scarfs and neckties.....	25 07
Suits (girls), 22.....	70 30
Suits (boys), 89	357 92
Suspenders, 5½ doz.....	11 45
Scissors, 1½ doz.....	4 94
Sewing silk... ..	8 64
Shirts and vests, woolen	224 71
Thread, 219 doz	117 86
Tape, 133½ doz.....	8 32
Trunks and traveling bags.....	20 42
Thimbles	2 11
Underclothing.....	94 48
Umbrellas, 18.....	34 98
Woolen jackets.....	40 70
Waterproof, 30½ yds.....	18 83
Woolen yarn.....	30 51

\$4,799 55

House-furnishing.

Awning.....	\$20 85
Batting.....	26 34
Bolts, knobs and hinges.....	13 34
Blackboards and crayons.....	62 29
Blankets, 37 prs.....	129 50
Bedspreads, 54.....	75 15
Brooms, 5 doz.....	18 55
Baskets.....	9 50
Boxes.....	3 60
Books, slates and stationery.....	429 69
Benches.....	15 00
Carpet, 53½ yds.....	50 48
Camp-stools, 1½ doz.....	16 05
Chairs, 6 doz.....	64 55
Crockery.....	204 60
Cutlery.....	94 92
Chapel furniture.....	148 41
Carpet tacks.....	5 28
Check-book.....	36 00
Chains and padlocks.....	3 46
Clothes horse.....	5 05
Dressing bureau.....	10 00
Desks, 35.....	138 75
Drawing materials.....	47 00
Feather dusters.....	8 50
Grates and grate bars.....	6 40
Hatstands, 2.....	27 00
Hardware.....	198 79
Husks, 16 bales.....	138 91
Iron beds, 42.....	142 10
Lapboards, 4.....	3 15
Lamps and chimneys.....	71 42
Looking glasses, 2.....	2 58
Matting and oil cloth.....	111 29
Maps and charts.....	30 90
Materials for fancy work.....	53 43
Oil silk, 1½ yds.....	1 75
Pillows.....	42 23
Piano stool.....	2 50
Rubber cloth, 10½ yds.....	4 30
Rulers and pointers.....	2 83
Scrubbing brushes.....	15 36
Sewing machines.....	72 65
Sheeting, 784½ yds.....	104 92
Stoves and ranges.....	250 56
Smoke pipe.....	7 40
Step-ladder.....	3 00
Screen for hot air pipe.....	7 00
Tables, 8.....	43 00
Ticking, 461½ yds.....	68 23

Toweling, 437½ yds.....	\$83 60
Table linen	50 22
Twine and paper.....	8 32
Thermometers, 2.....	3 00
Time-pieces and repairs.....	41 40
Washstands, 27.....	47 75
Wisp brooms, ½ doz.....	2 25
Washboards, 8.....	4 42
Wardrobes, 2.....	13 00
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	\$3,292 52

Miscellaneous.

Alarm bell and fixtures.....	\$138 89
Audiphone, 1.....	8 00
Annual report.....	71 00
Advertisements.....	10 00
Christmas trees, toys and candies.....	55 00
Dental services.....	34 50
Express and cartage.....	218 43
Funeral expenses.....	14 00
Journals.....	29 13
Medicine.....	341 18
Notary's fee.....	5 75
Postage.....	32 99
Subscription to Am. Annals.....	76 92
Telegrams	4 60
Traveling expenses.	488 59
Tuning of pianos.....	10 00
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	\$1,538 98

Ordinary repairs.

Doors and gate.....	\$35 94
Floors and ceilings.....	260 42
Furniture, etc.....	15 57
Lumber, nails, etc.....	42 01
Putting in glass	18 37
Painting and kalsomining.....	315 64
Paints, oils and putty.....	56 20
Plumbing.....	185 27
Roofs and leaders.....	161 51
Ranges and furnaces.....	134 57
Wagons and harnesses.....	81 76
Machinery.....	24 09
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	\$1,331 35

Buildings and improvements.

Amount paid on new building.....	\$2,987 73
Balance of last year's account.....	1454 16

Carriage and hay sheds.....	\$260 70
Drain pipe.....	91 52
Force pump and construction of sewer.....	927 78
Fences, flooring and wainscoting basement.....	1,659 76
Gardener's dwelling.....	650 00
Water-closets.....	312 00
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	\$8,343 70

Garden and stables.

Bran, corn and oats.....	\$476 49
Belts and traces.....	7 50
Hay.....	38 10
Horse shoeing.....	6 40
Lap robes and blankets.....	22 25
Live stock.....	230 00
Manure.....	266 25
Ploughing.....	22 00
Paris green and lime.....	10 82
Ropes.....	4 43
Tools.....	29 49
Trees, plants and seeds.....	110 10
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	\$1,223 83

Interest.....	\$3,359 12
Insurance.....	185 62
Paid on mortgage and loans.....	6,500 00
Rent.....	375 00
Salaries.....	3,185 34
Wages.....	2,089 62
Water tax.....	118 70
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	\$15,813 40

\$52,200 87

RECEIPTS.

Balance on hand Oct. 1, 1879.....	\$447 77
From Comptroller of State of New York, for board and tuition of State pupils.....	10,993 43
From Comptroller of city of New York, for support of county and clothing of State pupils.....	12,540 00
From Comptroller of city of New York, for deficiency in last year's appropriation.....	7,500 37
From Comptroller of State of New Jersey, for board and tuition of pupils from said State.....	9,612 18
From treasurer of following counties for support of county pupils:	
Albany.....	300 00
Richmond.....	275 00
Rockland.....	318 50
Sullivan.....	550 00

Kings.....	\$11,862 85
From paying pupils.....	672 00
Loan, without interest.....	2,000 00
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	\$57,072 10

RECAPITULATION.

Receipts.....	\$57,072 70
Expenditures.....	52,200 87
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Balance on hand.....	\$4,871 23

INDEBTEDNESS OF THE INSTITUTION.

Indebtedness on real estate.....	\$49,230 00
Other indebtedness.....	16,743 71
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Total indebtedness.....	\$65,973 71

Respectfully submitted,

ANNIE M. LARKIN,
Treasurer.

CATALOGUE OF PUPILS.

MALES.

Name.	Town.	County.
Ahearn, Joseph.....	New York.....	New York.
Brown, John.....	New York.....	New York.
Broderick, Luke.....	Brooklyn.....	Kings.
Brennan, John M.....	Newark.....	Essex, N. J.
Butler, Frank.....	New York.....	New York.
Carroll, James E.	Jersey City.....	Hudson, N. J.
Callan, John.....	Brooklyn.....	Kings.
Cash, James.....	New York.....	New York.
Campbell, Patrick.....	Brooklyn.....	Kings.
Cosgrove, Thomas.....	Newark.....	Essex, N. J.
Cochlane, John.....	Hartford.....	Hartford, Conn.
Cook, John.....	Haverstraw.....	Rockland.
Cuddy, Wm.....	New York.....	New York.
Cassidy, Thomas.....	Newark.....	Essex, N. J.
Cassidy, Francis.....	Brooklyn.....	Kings.
Cox, Timothy.....	Oxford.....	Johnston, Iowa.
Doyle, John T.....	New York.....	New York.
Doherty, John.....	New York.....	New York.
Delaney, John.....	New York.....	New York.
Dugan, Daniel.....	Brooklyn.....	Kings.
Firm, John.....	New York.....	New York.

Name.	Town.	County.
Foley, Thomas.....	Brooklyn..	Kings.
Frank, John.....	Newark.....	Essex, N. J.
Fels, Charles.....	New York.....	New York.
Geagan, John.....	Brooklyn.....	Kings.
Graham, Joseph.....	New York.....	New York.
Gibbons, John J.....	Brooklyn.....	Kings.
Grogan, Thomas.....	Jersey City.....	Hudson, N. J.
Hargaton, Wm.....	New York.....	New York.
Higgins, Jeremiah.....	New York.....	New York.
Hearn, James.....	Brooklyn.....	Kings.
Hamm, George.....	Brooklyn.....	Kings.
Healey, Owen.....	New York.....	New York.
Hayden, Francis.....	New York.....	New York.
Hanson, Wm.....	New York.....	New York.
Hynes, James.....	Brooklyn.....	Kings.
Herborman, Charles.....	Jersey City.....	Hudson, N. J.
Hogan, John T.....	New York.....	New York.
Hennessy, James.....	New York.....	New York.
Kaupper, John.....	Brooklyn.....	Kings.
Kenny, Joseph.....	Brooklyn.....	Kings.
Kelly, John H.....	Long Island City.....	Queens.
Kiernan, Peter.....	New York.....	New York.
Lebreck, Ferdinand.....	Burlington.....	Vermont.
Lebreck, Francis.....	Burlington.....	Vermont.
Lambert, John.....	Newark.....	Essex, N. J.
Lynch, Wm.....	New Brunswick.....	Middlesex, N. J.
Morris, George F.....	Newark.....	Essex, N. J.
McKenna, James.....	New York.....	New York.
Maloney, Michael.....	Brooklyn.....	Kings.
Matthews, Wm.....	Jersey City.....	Hudson, N. J.
Markey, Thomas.....	New York.....	New York.
Mitchell, Benjamin.....	Hoboken.....	Hudson, N. J.
McCarthy, John.....	New York.....	New York.
McManus, Charles.....	Newark.....	Essex, N. J.
McNierney, Joseph.....	New York.....	New York.
Mahoney, Crohon.....	New York.....	New York.
Manning, Edward.....	Jersey City.....	Hudson, N. J.
McClellan, James.....	Astoria.....	Queens.
Macy, Thomas.....	New York.....	New York.
O'Brien, John.....	Jersey City.....	Hudson, N. J.
O'Brien, John J.....	Brooklyn.....	Kings.
O'Brien, Michael.....	New York.....	New York.
O'Brien, Daniel.....	New York.....	New York.
O'Grady, Thomas.....	Brooklyn.....	Kings.
O'Connor, John.....	New York.....	New York.
Odell, Francis.....	New York.....	New York.
O'Keefe, Dennis.....	Jersey City.....	Hudson, N. J.
Parcell, Francis.....	Jersey City.....	Hudson, N. J.
Quigg, Henry.....	New York.....	New York.
Rielly, John.....	Newark.....	Essex, N. J.
Ryan, Andrew.....	Brooklyn.....	Kings.
Reddington, Peter.....	Liberty Falls.....	Sullivan.
Rogers, John Wm.....	New York.....	New York.

Name.	Town.	County.
Renshaw, Charles.....	Putnam.....	Connecticut.
Reinhart, Louis.....	New York.....	New York.
Ryan, Robert S.....	Westchester.....	Westchester.
Sullivan, Dennis.....	Brooklyn.....	Kings.
Sweeney, Thomas.....	New York.....	New York.
Shannon, Edward..	New York.....	New York.
Stangh, John.....	New York.....	New York.
Shea, John.....	New York.....	New York.
Tuite, John.....	New York.....	New York.
Wasenick, John.....	New York.....	New York.
Walsh, Wm.....	Brooklyn.....	Kings.
Wiukler, Antony.....	New York.....	New York.
Wein, Ignatius.....	New York.....	New York.

FEMALES.

Batz, Eva.....	New York.....	New York.
Burke, Julia.....	Rockaway.....	Morris, N. J.
Bernert, Mary.....	New York.....	New York.
Bubenheim, Anna.....	New York.....	New York.
Brengle, Lizzie.....	Hoboken.....	Hudson, N. J.
Bain, Mary E.....	New York.....	New York.
Brennan, Mary J.....	Brooklyn.....	Kings.
Byrnes, Mary E.....	Brooklyn.....	Kings.
Brophy, Mary A.....	New Orleans.....	Louisiana.
Brown, Agnes.....	New York.....	New York.
Crane, Maggie.....	New York.....	New York.
Cox, Katie.....	Callicoon.....	Sullivan.
Cotterell, Maggie.....	Elizabeth.....	Union, N. J.
Casey, Annie.....	New York.....	New York.
Colligan, Katie.....	Brooklyn.....	Kings.
Coyle, Lizzie.....	Easton.....	Pennsylvania.
Caffray, Adelia.....	New York.....	New York.
Dimond, Ellen.....	Paterson.....	Passaic, N. J.
Doyle, Maggie.....	New York.....	New York.
Dowd, Katie.....	Newark.....	Essex, N. J.
Delmore, Mary.....	Brooklyn.....	Kings.
Dechann, Mary A.....	Brooklyn.....	Kings.
Devoy, Lizzie.....	Brooklyn.....	Kings.
Donnelly, Mary A.....	Brooklyn.....	Kings.
Dalton, Lizzie.....	Brooklyn.....	Kings.
Donlin, Annie.....	Burlington.....	Vermont.
Donlin, Maggie.....	Burlington.....	Vermont.
Dugan, Maggie.....	Albany.....	Albany.
Daly, Josephine.....	Brooklyn.....	Kings.
Eiden, Helen.....	New York.....	New York.
Eckert, Lizzie.....	New York.....	New York.
Eibinger, Teresa.....	Brooklyn.....	Kings.
Fagan, Mary.....	Brooklyn.....	Kings.
Flynn, Mary.....	New York.....	New York.
Foster, Mary.....	Brooklyn.....	Kings.
Flannagan, Annie.....	New York.....	New York.
Flannagan, Mary E.....	New York.....	New York.

Name.	Town.	County.
Finnegan, Katie	New York	New York.
Flemming, Sarah	New York	New York.
Ferry, Katie	Easton	Pennsylvania.
Finn, Mary E.	New York	New York.
Foley, Anna	New York	New York.
Graham, Maggie	New York	New York.
Gillavan, Mary	Callicoon	Sullivan.
Gillen, Maggie	Brooklyn	Kings.
Gaynor, Mary	New York	New York.
Gardiner, Lizzie	Brooklyn	Kings.
Giebat, Lilly	Brooklyn	Kings.
Gallagher, Emma	Brooklyn	Kings.
Garrett, Eliza	Stapleton	Richmond.
Gancheon, Maggie	Hartford	Connecticut.
Gantz, Rachel	Brooklyn	Kings.
Houlihan, Honora	Jersey City	Hudson, N. J.
Hughes, Mary	Brooklyn	Kings.
Hughes, Annie	Brooklyn	Kings.
Hughson, Clara	New York	New York.
Hunter, Maggie	Brooklyn	Kings.
Hayden, Grace	Brooklyn	Kings.
Hazard, Maggie	New York	New York.
Kneer, Maria	New York	New York.
Kuhne, Christina	New York	New York.
Kelly, Ellen F.	New York	New York.
Kleinnecht, Emma	New York	New York.
Klein, Louisa	New York	New York.
Kennedy, Julia	Westchester	Westchester.
Keefe, Honora	Jersey City	Hudson, N. J.
Kearney, Mary	New York	New York.
Kenny, Mary	New York	New York.
Kernan, Lizzie	Brooklyn	Kings.
Knack, Katie	North Branch	Sullivan.
Kenny, Nora	Boston	Massachusetts.
Leahey, Katie	New York	New York.
Lynch, Cecilia	New Brunswick	Middlesex, N. J.
Lynch, Maggie	New Brunswick	Middlesex, N. J.
Lynch, Catherine	New York	New York.
Larkin, Anastasia	New York	New York.
Lally, Katie	New York	New York.
Loury, Mary	Brooklyn	Kings.
Lafferty, Lizzie	Brooklyn	Kings.
Long, Emma	Brooklyn	Kings.
Lackas, Rose	Brooklyn	Kings.
McGee, Agnes	New York	New York.
McGuire, Lizzie	New York	New York.
McGuire, Maggie	New York	New York.
McCandless, Sarah	Pittsburgh	Pennsylvania.
McCandless, Katie	Pittsburgh	Pennsylvania.
McGovern, Mary	New York	New York.
McShane, Mary A.	New York	New York.
McDonald, Annie	New York	New York.

Name.	Town.	County.
McDonald, Helen	New Haven	Connecticut.
McKendrick, Mary	New York	New York.
McClarron, Isabella	Hoboken	Hudson, N. J.
McCormack, Jane	Newark	Essex, N. J.
McCormack, Maggie	Brooklyn	Kings.
McGlynn, Mary E.	New York	New York.
McLoughlin, Mary	Brooklyn	Kings.
McGinley, Mary	New York	New York.
McCue, Mary A.	Brooklyn	Kings.
McNamara, Honora	Brooklyn	Kings.
Miley, Bridget	New York	New York.
Maher, Lizzie	New York	New York.
Maher, Lizzie	Sterling	Morris, N. J.
Madden, Katie	New York	New York.
Mackey, Mary	Brooklyn	Kings.
Mullen, Katie	Brooklyn	Kings.
Nurphy, Sarah	Brooklyn	Kings.
Mallory, Teresa	Newark	Essex, N. J.
Malloy, Mary	Albany	Albany.
Nolan, Bridget	Brooklyn	Kings.
Newman, Lilly	Brooklyn	Kings.
O'Keefe, Maggie	New York	New York.
O'Hara, Annie	New York	New York.
O'Rielly, Katie	Brooklyn	Kings.
O'Rielly, Lizzie	Brooklyn	Kings.
Renshaw, Mary E.	Putnam	Connecticut.
Ryan, Annie	New York	New York.
Rachel, Ellen	Middleton	Richmond.
Rafferty, Katie	Graniteville	Richmond.
Stapleton, Mary	New York	New York.
Smyth, Maria	Newark	Essex, N. J.
Sloan, Mary	New York	New York.
Seelig, Mary	Brooklyn	Kings.
Salm, Carrie	New York	New York.
Silvey, Lizzie	Brooklyn	Kings.
Stubbs, Jennie	Brooklyn	Kings.
Shiel, Annie	Brooklyn	Kings.
Shea, Annie	New York	New York.
Tuohey, Annie	New York	New York.
Tyner, Mary	New York	New York.
Tiernan, Katie	New York	New York.
Tracy, Martha	Paterson	Passaic, N. J.
Timlin, Ellen	Paterson	Passaic, N. J.
Trotter, Katie	New York	New York.
Ticknor, Katie E.	Albany	Albany.
Wilson, Mary J.	New York	New York.
Walsh, Ellen	New York	New York.
Williams, Mary	Hartford	Connecticut.
Welch, Fanny	Brooklyn	Kings.
Wilding, Mary	Brooklyn	Kings.
Whalen, Annie	New York	New York.
Zink, Lizzie M.	New York	New York.

APPENDIX.

Children who are deaf, or partially so, are admitted to the institution, where they are provided for in all respects, clothing and traveling expenses excepted, at the rate of \$300 per annum.

Payment is required semi-annually in advance. The annual session commences on the first Monday of September, and closes on the last Friday of June, when pupils are expected to be taken to their homes.

No deduction will be made from the annual charge on account of absence nor for the vacation. An exception will, however, be made in case of protracted illness.

This institution being strictly educational, children who are deficient in intellect cannot be received into it. Offensive diseases also preclude admission.

Children over six and under twelve years of age, to be supported at public expense, may be admitted to the institution by a certificate from the county supervisor or the overseer of the poor. Those over twelve must procure a certificate from the Superintendent of Public Instruction at Albany.

Parents wishing their children to write frequently are requested to furnish them with paper and stamps.

Persons conducting pupils to the institution, or visiting them while there, cannot be provided with board and lodging during their stay.

The principal office of the institution is located at Fordham (New York city), and may be reached by way of the Harlem railroad. Trains leave Forty-second street depot at nearly all hours of the day; return trains may also be had at convenient hours.

LAWS OF NEW YORK.—BY AUTHORITY.

[Every law, unless a different time be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 378.

AN ACT in relation to the St. Joseph's Institution for the Improved Instruction of Deaf-Mutes, at Fordham, in the county of Westchester.

PASSED June 2, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION I. The St. Joseph's Institution for the Improved Instruction of Deaf-Mutes, at Fordham, in the county of Westchester, is
[Assem. Doc. No. 26.]

authorized to receive deaf and dumb persons, between the ages of twelve and twenty-five years, eligible to appointment as State pupils, and who may be appointed to it by the Superintendent of Public Instruction, and the Superintendent of Public Instruction is authorized to make such appointment to the aforesaid institution.

§ 2. This act shall take effect immediately.

CHAPTER 325.

Laws of 1863, as amended by chapter 213, entitled "An act relative to the care and education of deaf-mutes."

PASSED April 29, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it shall be the duty of the overseer of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, or in the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in the State for the education of deaf-mutes.

§ 2. Any parent, guardian, or friend of a deaf-mute child, within this State, over the age of six and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing, by satisfactory affidavit or other proof, that the health, morals or comfort of such child may be endangered or not properly cared for ; and, thereupon, it shall be the duty of such overseer or supervisor to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-Mutes, or in the LeConteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in any institution in the State for the education of deaf-mutes.

§ 3. The children placed in said institutions, in pursuance of the foregoing section, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed \$300 each per year, until they attain the age of twelve years, unless the directors of the institution to which a child has been sent shall find that such child is not a proper subject to remain in said institution.

§ 4. The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institution, not exceeding the amount of \$300 per year, above allowed, shall be raised and collected as are other expenses of the county from which such children shall be received, and the bills therefor, properly authenticated by the

principal, or one of the officers of the institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

§ 4. This act shall take effect immediately.

FORM OF CERTIFICATE

To be granted by a Supervisor or Superintendent of the Poor, to be sent to the Institution.

STATE OF NEW YORK, {
County of

I have this day selected , of the town of , county of , son (or daughter) of , who was born on the day of , 18 , as a county pupil in the St. Joseph's Institute for the Improved Instruction of Deaf-Mutes, in the city of New York (Fordham), for a term of years from the day of , 18 , to be supported therein, during that period, at the expense of the county of , in conformity with the provisions of chapter 325, Laws of 1863, as amended by chapter 213, Laws of 1875.

Dated , 18 .

Supervisor of the town of

APPLICATION

For the admission of county pupils, to be kept by Supervisor or Superintendent of the Poor.

STATE OF NEW YORK, {
County of

, of the town of , in said county, being duly sworn, says that he is the father of , a deaf-mute child, residing with deponent, and who was born on the day of , 18 ; that in consequence of the straitened circumstances of deponent (or of the parents of said child) its morals and comfort cannot be properly cared for in its present situation, and deponent desires that said child be placed in the St. Joseph's Institute for the Improved Instruction of Deaf-Mutes, in the city of New York (Fordham), for support and education, pursuant to chapter 213 of the Laws of 1875.

Subscribed and sworn to this day {
of , 18 , before me. }

FORM OF CERTIFICATE

To be sent to the Superintendent of Public Instruction, Albany, in case of candidates for admission twelve years of age and over.

STATE OF NEW YORK, }
County of }

The undersigned commissioner of charity (or superintendent of the poor) of the county of , does hereby certify that of the town of (or city of), in the county aforesaid, is deaf and dumb. The said was years of age on the day of , 18 , is of good moral character, free from disease, and possesses intellectual faculties capable of instruction. The names of the parents of said are , and their P. O. address , and the said ha not sufficient pecuniary ability to pay for the board, tuition or clothing of said at the St. Joseph's Institute for the Improved Instruction of Deaf-Mutes (Fordham), New York city, and I would recommend to the favorable consideration of the Superintendent of Public Instruction.

Dated , 18 .

Superintendent of the Poor of the county of .

NEW YORK, January 1, 1881.

To the Honorable the Legislature of the State of New York:

I have the honor to report that during the past year the health of the institute has been remarkably good. For want of a perfect record, it is, this year, impossible to statistically present the exact number of cases of disease, but there have been exceedingly few in comparison to the size of the institution, and have consisted, in the main, of intermittent fever, simple pharyngitis, chicken-pox, and a case of pneumonia. Some of the children, because of inherited debility and prior privations, have suffered from various strumous maladies; but they are constantly improving as they gradually feel the influence of good food and proper hygiene.

Very respectfully,

FRANCIS M. PURROY, M. D.

510 HENRY ST., BROOKLYN, N. Y., }
January 11, 1881. }

To the Honorable the Legislature of the State of New York:

GENTLEMEN — I have the honor to present the Annual Report for the year 1880.

There have been forty-seven names on the roll. On the 17th of July, Mary Ellen Byrnes, aged eight years, died of diarrhoea, having contracted the disease while on a visit to her parents, and being returned to the institution in a moribund condition, died during the following day.

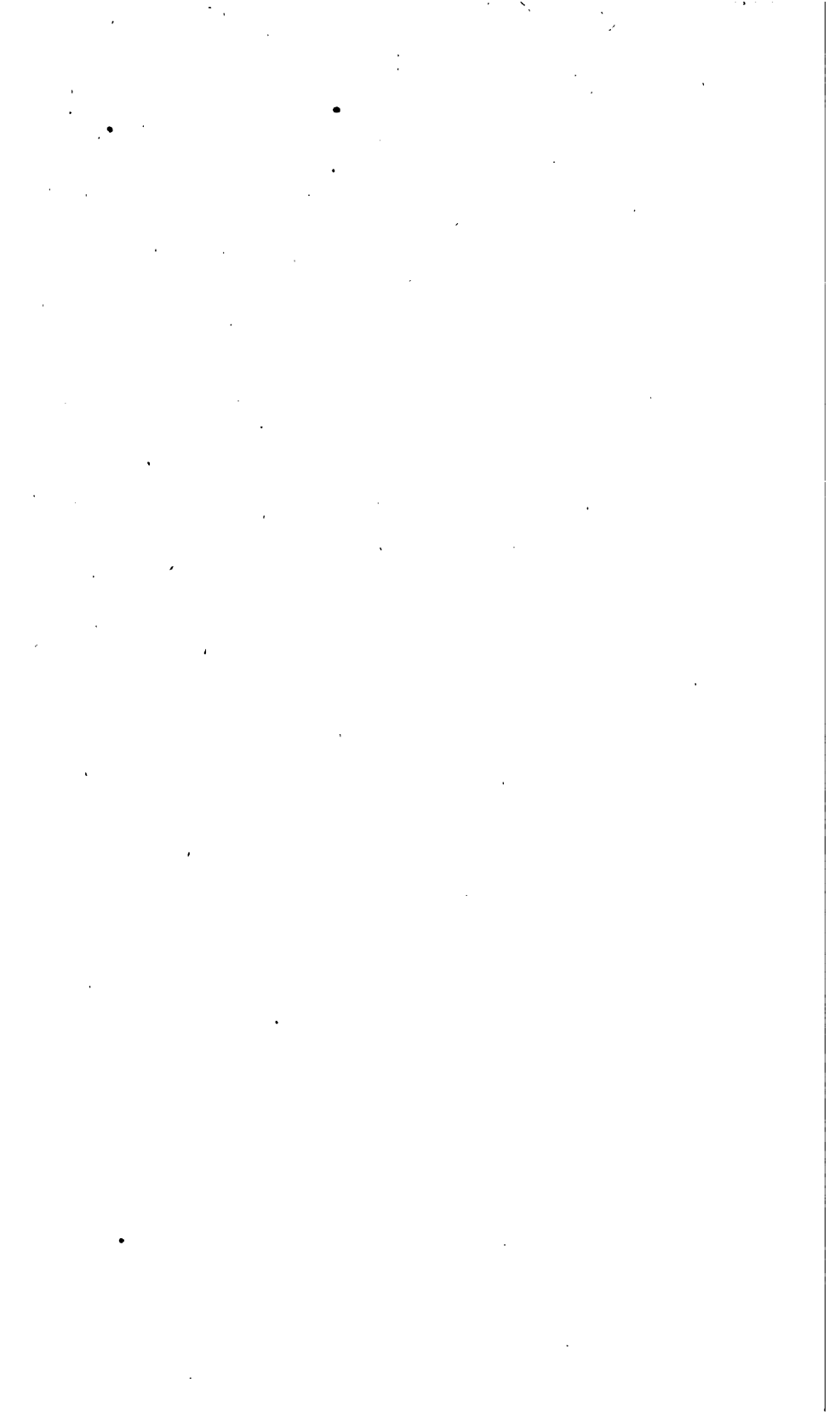
I would respectfully suggest, in connection with this death, that the directress, with the advice of the physician, have discretionary power in permitting children to visit their parents, as many of the parents are of vicious and dissipated habits, living in poverty and filth, with the most unhealthy surroundings. Many of the children returning after summer vacation show the bad effects of these influences.

With the exception of one case of parotitis or mumps, we have had no contagious disease.

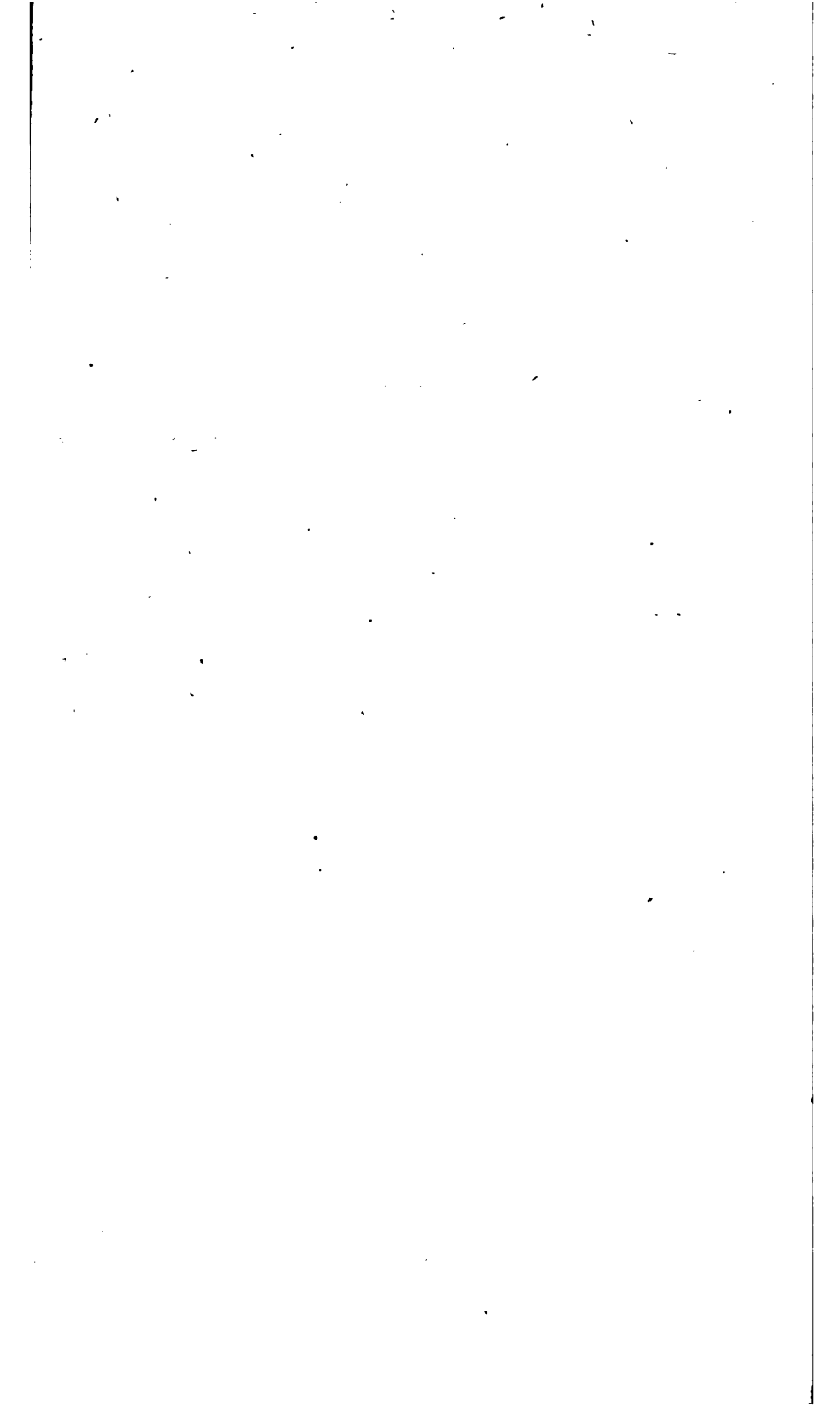
Good diet, healthful exercise, care in connection with heating and ventilating of the building, and maternal watchfulness and interest on the part of the directress and her assistants in caring for these unfortunate children, have contributed in making them happy and healthy.

Respectfully submitted,

A. ROSS MATHESON, M. D.,
Attending Physician.







STATE OF NEW YORK.

No. 27.

IN ASSEMBLY,

JANUARY 18, 1881.

ANNUAL REPORT

OF THE SUPERINTENDENT OF THE ONONDAGA
SALT SPRINGS.

SUPERINTENDENT'S OFFICE,
SYRACUSE, *January 15, 1881.* }

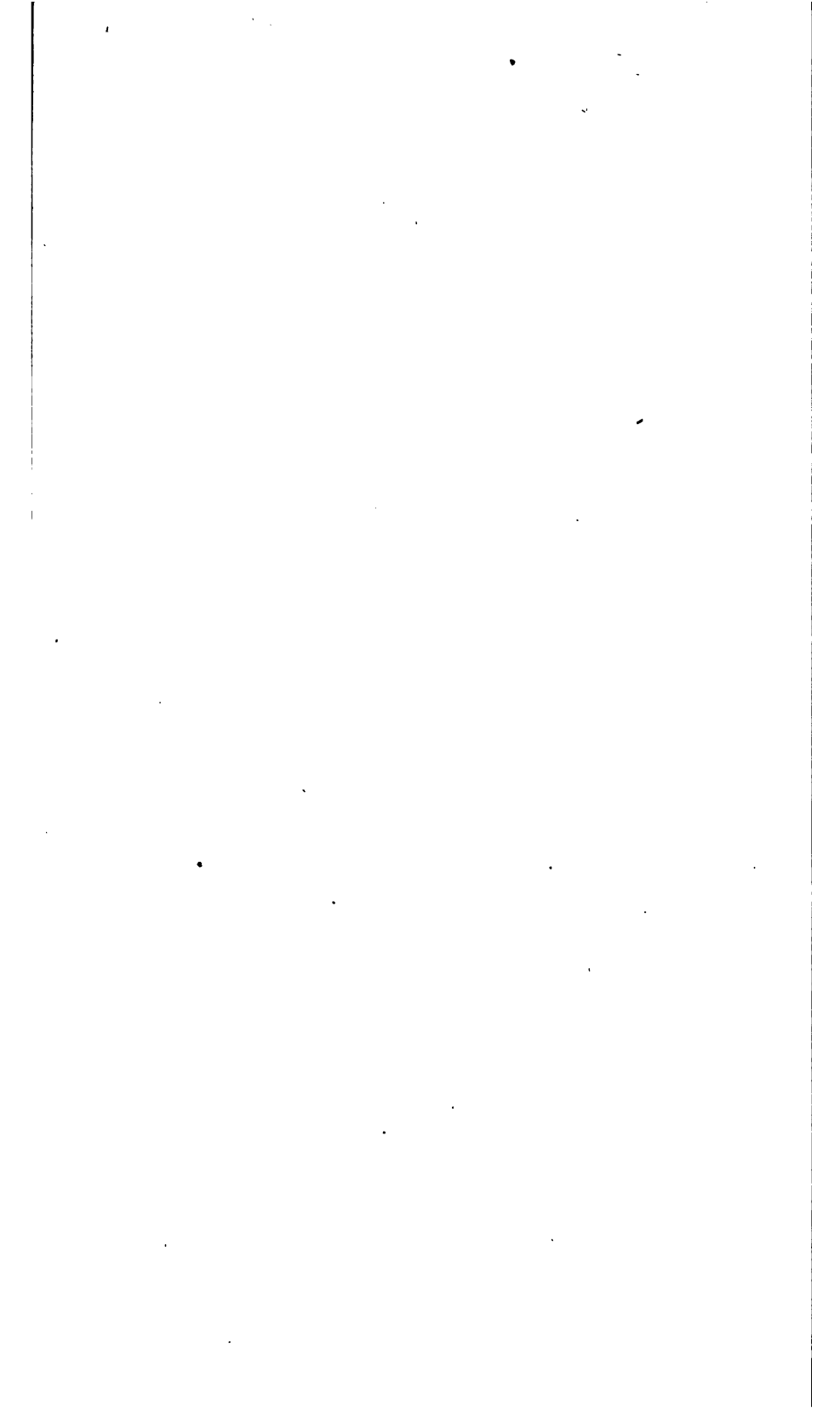
To the Hon. GEORGE H. SHARPE,

Speaker of the Assembly :

SIR — I have the honor herewith to transmit to the Legislature my annual report as Superintendent of the Onondaga Salt Springs, exhibiting the state of the manufacture of salt, and the condition of the works.

Very respectfully submitted by your obedient servant,

N. S. GERE,
Superintendent.



REPORT.

Pursuant to the requirements of the statute (chapter 346 of Session Laws of 1859) respecting the salt springs and the manufacture of salt, the undersigned, superintendent of the Onondaga Salt Springs, submits to the legislature the following report :

INSPECTION OF SALT.

The whole amount of salt inspected on the Onondaga Salt Springs reservation, in and near the city of Syracuse, during the year 1880, is 7,998,750 bushels of 56 pounds each. Of this quantity, 5,482,265 bushels have been produced in the fine salt works by artificial heat, and 2,516,485 bushels in the coarse salt works by solar evaporation. The inspection in the several districts into which the reservation is partitioned has been as follows :

District No. 1 — Syracuse.

		Bushels.
Fine salt.....	1, 087, 858	
Solar salt.....	548, 123	
Fine ground.....	380, 123	
	<hr/>	2, 016, 104

District No. 2 — Salina.

Fine salt.....	2, 165, 201	
Solar salt.....	452, 838	
Fine ground.....	204, 949	
Solar ground	110, 519	
	<hr/>	2, 933, 507

District No. 3 — Liverpool.

Fine salt.....	645, 949	
Solar salt.....	530, 787	
	<hr/>	1, 176, 736

District No. 4 — Geddes.

Fine salt.....	520, 840	
Solar salt.....	874, 218	
Fine ground.....	477, 345	
	<hr/>	1, 872, 403

Total inspection in bushels	<hr/>	7, 998, 750
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The revenues collected by the superintendent during the year are as follows:

Duties on 7,998,750 bushels of salt at one cent per bushel	\$79, 987 50
Received for rents, penalties, boring logs and old material.....	317 60
Received for fractional weights.....	58
Total revenues	\$80, 305 68

In pursuance of instructions received from the canal board, the revenue collected has been deposited to the credit of the State treasurer, as follows:

Salt Springs National Bank of Syracuse.....	\$40, 113 90
First National Bank of Syracuse	3, 522 55
Merchants' National Bank of Syracuse	36, 669 23
Total.....	\$80, 305 68

There has been drawn from the treasury during the same period, for the support of the salt springs, the sum of.....	\$74, 543 59
Balance on hand January 3, 1880.....	5, 000 00
	\$79, 543 59

Which has been disbursed as follows:

For salaries of officers.....	\$23, 410 04
For new structures, labor, material, etc.....	55, 582 34
For balance advanced by Calvin G. Hinkley, former superintendent, for expenditures in November and December, 1879.....	8 64
For balance on hand January 1, 1881.....	542 57
	\$79, 543 59

The above balance on hand January 3, 1880, as stated, is the avails of draft on the treasurer drawn by Calvin G. Hinkley, former superintendent, December 19, 1879, and expended by him January 12, 1880, for steam-pumps and machinery at the Syracuse pump-house, and which amount is not mentioned by him in his report for 1879.

The following statement in detail approximates, as near as may be, to the different objects of expenditure, the original vouchers for which have, from time to time, been forwarded to the comptroller, and copies of the same filed for reference in the office of the superintendent at Syracuse.

At Syracuse — First District.

Salaries of officers, including chiefs of departments..	\$9,735 00
Labor and teaming	5,251 81
Services of engineers of steam engines and boilers...	3,400 00
Repairs of pumps and machinery.....	8,486 60
Coal for steam engines and boilers	11,599 29
Pepperidge logs for conduits.....	984 51
Hardware and oil	736 07
New conduits, repairing and cleaning old.....	465 38
Cleaning and resinking wells.....	822 67
New wells	208 30
New steam-pumps and machinery for the Syracuse pump-house, in accordance with Session Laws of 1879, chapter 148	10,000 00
Miscellaneous.....	3,046 90
	<hr/>
	\$54,736 53

At Salina — Second District.

Salaries of officers.....	\$7,040 00
Labor and teaming.....	3,397 85
Rebuilding and moving water-wheel from Syracuse to Salina pump-house.....	800 00
Services of engineers of steam-engines.....	888 14
Cleaning and resinking wells.....	114 49
Miscellaneous.....	1,089 04
	<hr/>
	\$13,329 52

At Liverpool — Third District.

Salaries of officers.....	\$2,450 04
Labor and teaming.....	403 73
Miscellaneous.....	136 91
	<hr/>
	\$2,990 68

At Geddes—Fourth District.

Salaries of officers.....	\$4, 185 00
Labor and teaming.....	1, 643 90
New reservoir.....	1, 695 65
Miscellaneous.....	411 10
	<hr/>
	\$7, 935 65
	<hr/>
Total expenditures.....	\$78, 992 38
Balance advanced by C. G. Hinkley, January 3, 1880, to pay expenditures for November and December, 1879, and omitted in his report that year.....	8 64
Balance on hand January 1st, 1881.....	542 57
	<hr/>
	\$79, 543 59
	<hr/>

As an explanation of the necessity for the amount appropriated in the supply bill of last winter, in addition to the annual appropriation for the support of the salt springs, it is proper to state that, of the annual appropriation, my predecessor expended from October 1, 1879, to February 1, 1880 (at which time the present superintendent took the office), the sum of \$33,749.25, leaving for the remainder of the fiscal year the sum of \$26,250.75, with contracts outside of ordinary expenditures calling for \$7,230. This reduced the amount left for the remaining eight months of the fiscal year, ending September 30, 1880, to \$19,020.25. A comparison of the expenditures of the salt springs for the last four years will show an annual average of about \$21,000 for the months of October, November, December and January, and for the remaining eight months, about \$36,000. The months of December and January ordinarily call for but small expenditures, while the months of February and March, in preparation for the manufacturing season, call for large expenditures in repairs. The remaining eight months to October are the busiest of the year in salt inspection, and in the raising and distribution of water.

The statute requires the superintendent to refer especially in his annual report to the interests committed to his charge under the following divisions:

1. "The state of the manufacture of salt."
2. "The situation of the public works."
3. And to "recommending such further provisions and improvements to aid in the manufacture, as in his opinion may be deemed advisable."

The past year has been one of great depression in our salt interest, especially in the manufacture of fine salt. The competition arising from the extensive manufacture of salt at Saginaw, where fuel is of insignificant cost, and transportation to the principal markets of the west comparatively low, has nearly driven the manufacturers of this State from the north-western market.

Some plan should be adopted, if possible, to counteract the competition arising from the strong waters and cheap fuel of the State of Michigan and Canada. The interests of the State require the procuring of stronger brine, and more improved method of manufacture than we now have, and this, in the opinion of geologists and experts in salt manufacturing, can be secured by sinking wells at the south of this city. I would respectfully refer your honorable body to the report of Prof. Englehardt to the superintendent in 1877 upon this subject, extracts from which are hereto appended.

"The natural sources of all salt supplies are either rock salt, salt springs, salt lakes, or finally the ocean. At Syracuse we have derived all our salt since 1797, from salt wells, amounting up to the present time to 250,000,000 of bushels; to which we must add at least 50,000,000 more, for loss incurred in the various manufacturing processes by leakage, making a grand total of 300,000,000. The number of wells sunk from time to time to produce this large amount cannot be less than 200, at an expense of at least \$750,000. The question, therefore, naturally arises, and it is a most important one, in regard to our salt industry, from whence does this large amount of salt come, which would cover a surface of 120,000,000 of square feet, one foot high with solid salt? It certainly was not stored up in the ancient valley of erosion, below our feet, in the form of brine. Therefore it must occur in the solid form as a bed of rock salt. Up to date, very few attempts have been made to ascertain the actual source of our brine. The first was made in 1838, when the State sunk a well at Salina 600 feet deep, of which the superintendent, in his report for 1839, says: 'Passing through the immense masses of the red and blue shales, and the limestones Niagara, below, it terminated in the protean group' (Clinton). 'Whatever may be its source, it is well observed by the learned geologist of this district, in his last annual report, that it is only to be sought in a southern direction from which all the waters naturally flow.'

"After comparing the analytical results of the mineral waters of Canada with those in the vicinity of Syracuse, he concludes: "If such relations exist in regard to the natural saline bitters of both localities, as the history of the liquid No. V suggests, we may be entitled to assume, considering the area of actual observation, the existence of extensive salt deposits within the Silurian basin.' 'Natural solutions of rock salt furnish us with brines at Saltville in north-western Virginia, of Goderich, Canada West, and as I believe of Onondaga, N. Y.' (From contributions to the chemistry of common salt, by C. A. Goessmann, Ph. D.)

"Prof. Sterry Hunt's opinion on the Syracuse salt sources is given in the following words: "The discovery in Ontario of rock salt in solid masses interstratified with the base of the Onondaga formation, leaves, however, but little doubt of the correctness of the views long maintained by the New York geologists, that the source of the brine is to be found in this formation. Borings like those of Goderich will probably one day show the existence in the vicinity of Syracuse of

similar beds of rock salt, which now yield to the action of infiltrating waters, the brines that accumulate in the gravel beds occupying the reservoirs just described. These also receive the bitter waters which are derived from the shales of the same formation, and contaminate the brines of Syracuse; although they do not mingle to any injurious extent with the water from the borings of Goderich and its vicinity.

"In the survey of Onondaga (page 248), the Hon. G. Geddes remarks: 'If an excavation were made further south, where the overlying rocks are thick enough to protect the salt-bearing rocks from the action of water, *undissolved salt* might be found.'

"Prof. Goessmaun states in his contribution to the chemistry of brines, 1867: 'The brines of Onondaga issue from rocks of the upper Silurian age; they indicate with great probability, by their *composition, concentration and copiousness*, a close connection with quite an extensive salt deposit of that age.'

"Would it therefore not be more economical on the part of the State to have this subject thoroughly examined by the State geologist, and if found correct, dig a test well for the purpose of either finding the salt rock, or at least saturated brine, thus avoiding the necessity of sinking new wells year after year in the proportion as the older ones become useless? "

It is a subject which in my opinion is worthy of some action by your honorable body. I should recommend that the matter be referred to the State geologist, with power given him or the superintendent to sink a test well at some favorable point south of this city.

It will be seen by the accompanying tables that the amount of salt inspected during the past year was less than that inspected in 1879, by the amount of 323,412 bushels. This decrease was caused by the early closing of the canals and by the operation of the law passed by the legislature last winter, whereby no salt can be inspected until required for immediate shipment. The effect of this law has been greatly to the benefit of the consumer, for the reason that the package in which the salt is packed is in good condition when shipped, and will bear transportation much better than when inspected and left on the docks exposed to the storms of the fall and winter.

There is now in the hands of manufacturers a much larger quantity of salt uninspected than at this time one year ago.

SUPPLY OF WATER.

All the salt water used upon the reservation which is raised by the State, is from four groups of wells located upon lands adjoining Onondaga creek, at Syracuse and Salina. These are designated as follows: The Syracuse group, consisting of fifteen wells, varying in strength from 53° to 74°; the Geddes group, of three wells, producing brine of 70°; the DeWolf group of four wells, with brine

at 74°, and the Salina group of six wells, having a strength of 72° to 76°.

There are also owned by private individuals ten other wells, all producing brine of an excellent quality. This is wholly used by their owners in the manufacture of salt, from which the State derives the same duties as from salt made from water furnished by itself.

During the season of 1880, two wells failed to furnish brine, and were abandoned. A third well became filled with sulphate of lime and was cleaned out, since which it has produced a limited quantity of water. The prospect is that it will have to be abandoned during the coming season.

The tubing of one abandoned well in the Syracuse group has been drawn and resunk. It now gives every indication of being an excellent well. The other abandoned tubing will be drawn and resunk during the winter. If successful, it will be ready for the next season's business.

The demand for brine during the manufacturing season is so great that it is important that the present supply should be kept good. To meet the increasing demand, new wells should be put down in other districts.

It is required by the statute that the State shall furnish to manufacturers brine of as nearly equal strength as possible, but, under the present plan of distribution, it is impossible to do justice to all parties, some districts receiving water from two to four degrees better than others. To obviate this difficulty, there should be a new group of wells sunk near the Geddes road. If good success should follow the sinking of such wells, it would at the same time relieve the Syracuse district by enabling us to abandon the very weak wells which we are now obliged to pump during a portion of the season, in order to furnish manufacturers the required supply of brine.

I most respectfully urge upon the legislature the necessity of making an appropriation to defray the expense of putting down these new wells the coming season. The sum of \$5,000, I think, will cover the cost.

Aside from the necessity of increasing the supply of brine to meet the natural increase of demand, I beg leave to urge upon your consideration the importance of giving our manufacturers a full supply of the best brine and of affording them every facility in cheapening production that may successfully compete with salt producers in other States. In this are involved not only the interests of individuals, but of the State.

SUBSTITUTING STEAM FOR WATER POWER.

In the appropriation made by the legislature of 1879, for the support of the salt springs, the sum of ten thousand dollars was set apart for the purpose of paying the cost of substituting steam for

water-power in the Syracuse pump-house. My predecessor, Mr. Hinkley, entered into a contract with the Porter Manufacturing Company, limited, to place in this pump-house two Worthington steam-pumps, together with the necessary boilers, condensers, etc., and a small engine to drive the rotary pumps and boring machine, for the sum of ten thousand dollars. The contract did not cover the expense of connections from the wells to the new pumps, for raising and placing new tanks at the various wells, nor for furnishing new pumps for two wells which, by the old arrangement, were pumped direct by water-power, but by the new have to be pumped individually.

The condenser put in by the contractor did not answer the purpose. The salt water destroyed the iron pipes, making a leakage of salt water into the boilers, causing serious trouble with them. The amount expended outside of the contract was about four thousand dollars.

The steam pumps have worked to my satisfaction as far as raising water is concerned, but at a greatly increased cost for coal and attendance.

After substituting steam for water-power in the Syracuse district, the State race leading from the Erie canal was no longer needed, and has been abandoned and partially filled. The filling will be completed in the early spring.

The lands thus made on Genesee and Baldwin streets are valuable.

CONDITION OF MACHINERY.

Excepting one of the water-wheels at Salina, the machinery in all the pump-houses is in fair condition. The wheel referred to has given a good deal of trouble for two years, and was liable to give out entirely at any time. Hence, it became necessary to rebuild it, substituting a new shaft and hubs in place of the old ones, which were too light. This work is now being done at an estimated cost of two thousand dollars.

NEW RESERVOIRS.

There was built at Geddes, during the last winter, a new reservoir 40x150 feet, and ten feet deep, of timber and plank, costing \$4,500. This has been of great service to the manufacturers of that district by giving them a regular supply of brine.

There should be built at Liverpool a reservoir 40x100 feet, to relieve that district. The manufacturers there are so far from the Salina pump-house, from which they receive their supply of water, that it is impossible to furnish the amount required during the busy season. By having this extra storage room, the manufacturers would be partially relieved.

The line of logs leading from Salina to Liverpool has been lowered on the summit sufficiently to give a good flow of water to that point. It is, therefore, my opinion, that a new reservoir would

silence the clamor for a new line of logs between the localities named.

The State building in Salina (Dist. No. 2) is in a very dilapidated condition. The building is three stories high, and occupied on the lower floor by the salt offices of the second district. The upper floors are unoccupied; but if they were placed in good condition, they could probably be rented for a fair consideration.

I would recommend that the legislature make an appropriation of one thousand dollars for the repairs of the building.

By chapter 346, article 2, sec. 5 of the Laws of 1859, the salt reservation was divided into four inspection districts, each having its specified number of officers. It is for the interest of the State, in the opinion of the undersigned, that this law should be modified by reducing the number of districts, and dispensing with officers not required for the inspection of salt, or the collection of duties.

PROTECTION.

I trust it will not be considered improper for me to call the attention of the legislature to the great danger which threatens an important State interest, and a great American industry from the false and insidious appeals made to Congress by the agents of foreign salt producers to put salt on the free list. It must be within the personal knowledge of some, if not all the members of your honorable body, what a severe blow was struck at American salt producers when the last reduction of the tariff was made. It put out the fires of large numbers of our salt blocks, and rendered worthless a large amount of productive property. Existing ruins afford ocular demonstration of the truth of what I say. It requires no prophetic eye to see what a calamity would follow the putting of salt on the free list, or a further reduction of the tariff.

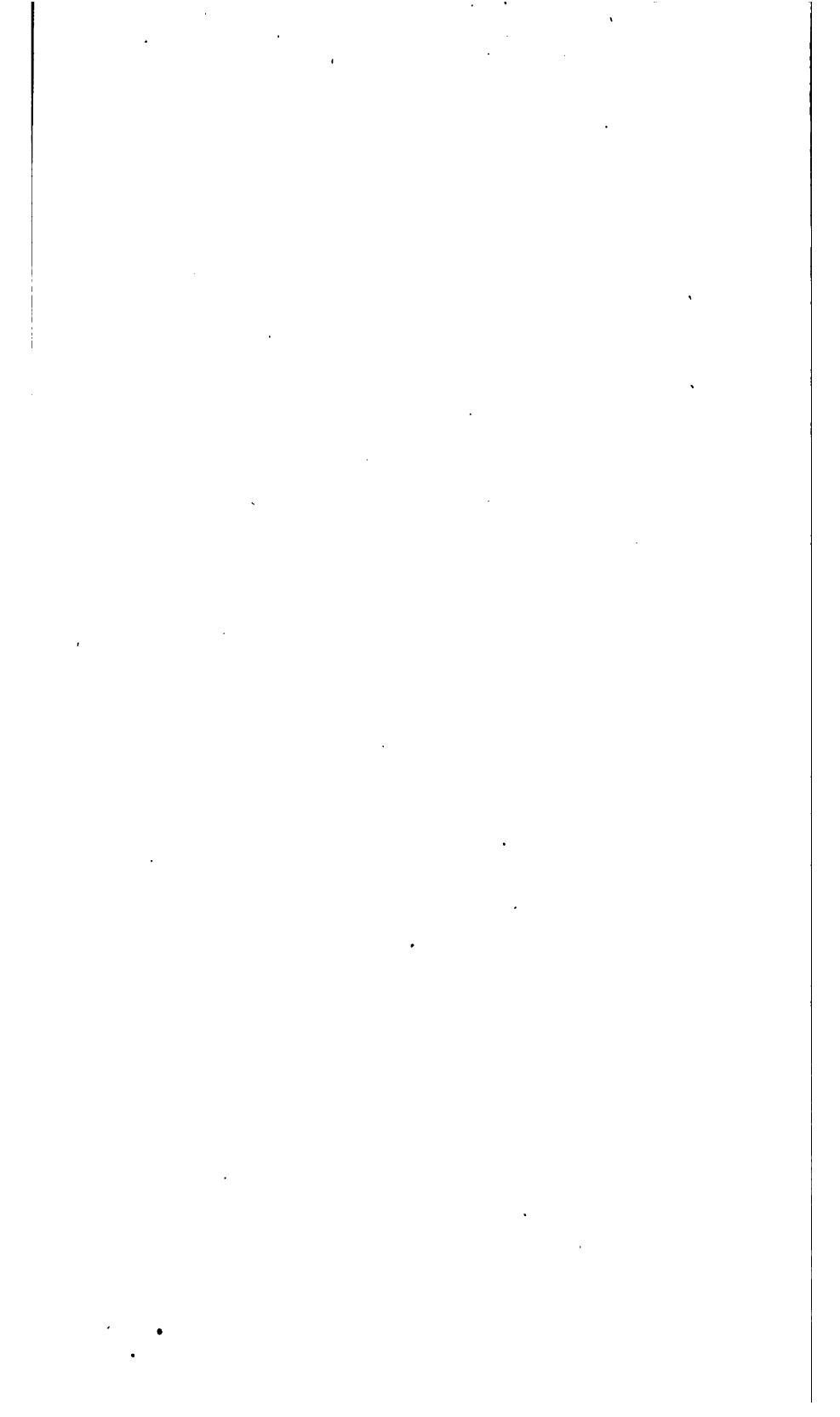
The estimated amount required to properly care for the salt springs during the fiscal year commencing October 1, 1881, is sixty-five thousand dollars. With this amount I think a number of new wells could be put down and other improvements made that would be a lasting benefit to the State as well as to the salt manufacturing interest.

It is with pleasure I herewith append a communication from Dr. F. C. Englehardt, chemist of the American Dairy Salt Company, limited.

All of which is respectfully submitted.

N. S. GERE,
Superintendent.

SYRACUSE, *January 15, 1881.*



APPENDIX.

(A.)

SALT inspected at the Onondaga Salt Springs in 1880.

PLACES.	Solar.	Fine.	Solar ground.	Fine ground.	Aggregate bushels.
At Syracuse—District No. 1....	548,123	1,087,858	.....	380,123	2,016,104
At Salina—District No. 2.....	453,838	2,165,201	110,519	304,949	2,933,507
At Liverpool—District No. 3..	530,737	645,949	.....	.....	1,176,736
At Geddes—District No. 4.....	874,218	520,840	.....	477,345	1,873,403
	2,405,906	4,419,848	110,519	1,069,417	7,998,750

(B.)

SALT inspected at Syracuse—District No. 1, in 1880.

DATE.	Solar.	Fine.	Solar ground.	Fine ground.	Ag'reg'te bushels.
For four weeks ending January 31st....	21,544	52,086	.....	2,478	78,105
For four weeks ending February 28th....	5,623	881	.....	20,041	26,545
For five weeks ending April 3d.....	10,671	2,895	.....	42,430	55,996
For four weeks ending May 1st.....	11,882	22,000	.....	17,602	51,484
For five weeks ending June 5th.....	10,452	70,836	.....	55,717	137,005
For four weeks ending July 3d.....	59,712	155,656	.....	56,369	271,737
For four weeks ending July 31st.....	33,941	88,851	.....	50,379	223,171
For five weeks ending September 4th....	92,887	188,187	.....	30,611	311,635
For four weeks ending October 2d.....	33,223	149,066	.....	12,710	245,009
For four weeks ending October 30th....	68,571	122,669	.....	38,256	235,496
For five weeks ending December 4th....	66,931	137,150	.....	40,602	244,633
For four weeks ending January 1st, 1881...	22,376	91,562	.....	12,980	137,188
Totals.....	548,123	1,087,858	.....	380,123	2,016,104

(C.)

SALT inspected at Salina—District No. 2, in 1880.

DATE.	Solar.	Fine.	Solar ground.	Fine ground.	Ag'reg'te bushels.
For four weeks ending January 31st.	1,770	99,923	8,374	3,813	108,880
For four weeks ending February 28th.....	1,489	7,304	8,153	1,409	18,356
For five weeks ending April 3d.....	5,403	31,838	7,798	5,107	50,136
For four weeks ending May 1st.....	8,751	86,493	8,375	1,231	105,400
For five weeks ending June 5th.....	11,421	190,324	9,968	23,415	233,146
For four weeks ending July 3d.....	34,192	307,812	9,563	33,822	385,339
For four weeks ending July 31st.....	47,675	214,053	9,379	14,552	296,158
For five weeks ending September 4th.....	35,234	316,496	10,567	29,171	441,470
For four weeks ending October 2d.....	34,721	296,464	11,386	49,134	441,205
For four weeks ending October 30th.....	31,903	246,397	11,796	26,021	316,719
For five weeks ending December 4th.....	33,261	256,614	8,397	11,157	369,329
For four weeks ending January 1st, 1881...	47,018	121,992	5,743	6,467	181,220
	452,838	2,165,201	110,519	304,949	2,933,507

(D.)

SALT inspected at Liverpool—District No. 3 in 1880.

DATE.	Solar.	Fine.	Solar ground.	Fine ground.	Aggregate bushels.
For four weeks ending January 31st.....	13,899	18,599	.....	.....	32,498
For four weeks ending February 28th	8,500	4,367	.....	.....	12,867
For five weeks ending April 3d	2,510	12,121	.....	.....	14,641
For four weeks ending May 1st .....	.....	47,680	.....	.....	47,680
For five weeks ending June 5th .....	.....	65,787	.....	.....	65,787
For four weeks ending July 3d	8,000	73,525	.....	.....	81,525
For four weeks ending July 31st	66,841	91,773	.....	.....	158,619
For five weeks ending September 4th.....	169,533	131,973	.....	.....	301,506
For four weeks ending October 2d	114,310	112,617	.....	.....	226,927
For four weeks ending October 30th	14,129	51,152	.....	.....	65,281
For five weeks ending December 4th.....	72,989	44,144	.....	.....	117,133
For four weeks ending January 1st, 1881.	60,076	2,256	.....	.....	62,332
	530,737	645,949	.....	.....	1,176,736

(E.)

Salt inspected at Geddes—District No. 4, in 1880.

DATE.	Solar.	Fine.	Solar ground.	Fine ground.	Aggregate bushels.
For four weeks ending January 31st.....	480	9,959	.....	26,237	36,676
For four weeks ending February 28th .....	.....	5,958	.....	12,015	17,973
For five weeks ending April 3d	100	12,901	.....	11,263	24,264
For four weeks ending May 1st	330	41,809	.....	37,872	80,061
For five weeks ending June 5th	4,340	96,888	.....	68,067	169,296
For four weeks ending July 3d	90,295	61,125	.....	38,158	189,578
For four weeks ending July 31st	193,893	50,788	.....	45,995	290,676
For five weeks ending September 4th	185,921	46,813	.....	59,524	392,258
For four weeks ending October 2d	193,726	85,847	.....	56,862	335,935
For four weeks ending October 30th	82,718	50,867	.....	33,135	166,720
For five weeks ending December 4th.....	72,674	42,497	.....	55,130	170,301
For four weeks ending January 1st, 1881..	49,691	16,388	.....	33,086	99,165
	874,216	520,840	.....	477,345	1,872,403

(F.)

Table showing the net revenue derived from the manufacture of salt, and paid into the general fund since the duties were reduced to one cent per bushel.

Year.	Amount.	Year.	Amount.
1846.....	\$7,705 48	1864.....	\$39,906 96
1847.....	9,717 63	1865.....	18,620 69
1848.....	21,491 46	1866.....	24,557 48
1849.....	20,153 89	1867.....	26,089 78
1850.....	15,104 87	1868.....	37,244 06
1851.....	13,337 55	1869.....	41,311 09
1852.....	19,224 61	1870.....	24,411 38
1853.....	29,557 19	1871.....	34,507 06
1854.....	23,711 57	1872.....	33,691 78
1855.....	10,867 46	1873.....	15,130 42
1856.....	9,690 79	1874.....	3,108 68
1857, deficit \$6,608 01.		1875.....	5,908 66
1858.....	19,766 98	1876.....	4,871 08
1859.....	27,306 28	1877.....	7,425 99
1860.....	12,342 50	1878.....	14,808 42
1861.....	26,761 23	1879.....	33,231 62
1862.....	49,696 21	1880.....	1,512 30
1863.....	35,064 94		

Deduct deficit in 1857..... \$6,608 01

Also amount paid by comptroller on account of expenditures contracted previous to March 1, 1857..... 7,000 00

\$399,577 07

13,608 01

Total net revenue above expenditures..... \$385,974 06

(G.)

The following is a statement of the number of bushels of salt made at the Onondaga Salt Springs since June 20, 1797, which is the date of the first leases in lots.

DATE.	Solar.	Fine.	Aggregate bushels.	Superintendents.
1797		25,474	25,471	William Stevens.
1798		59,928	59,928	William Stevens.
1799		42,704	42,704	William Stevens.
1800		50,000	50,000	William Stevens.
1801		62,000	62,000	Sheldon Logan.
1802		75,000	75,000	Asa Danforth.
1803		90,000	90,000	Asa Danforth.
1804		100,000	100,000	Asa Danforth.
1805		154,071	154,071	William Kirkpatrick.
1806		122,577	122,577	William Kirkpatrick.
1807		175,448	175,448	P. H. Ransom.
1808		319,618	319,618	Nathan Stewart.
1809		128,282	128,282	John Richardson.
1810		450,000	450,000	William Kirkpatrick.
1811		200,000	200,000	William Kirkpatrick.
1812		221,011	221,011	William Kirkpatrick.
1813		226,000	226,000	William Kirkpatrick.
1814		226,000	226,000	William Kirkpatrick.
1815		322,058	322,058	William Kirkpatrick.
1816		348,665	348,665	William Kirkpatrick.
1817		408,665	408,665	William Kirkpatrick.
1818		408,540	408,540	William Kirkpatrick.
1819		548,374	548,374	William Kirkpatrick.
1820		458,329	458,329	William Kirkpatrick.
1821		526,049	526,049	William Kirkpatrick.
1822		481,562	481,562	William Kirkpatrick.
1823		726,968	726,968	William Kirkpatrick.
1824		816,634	816,634	William Kirkpatrick.
1825		757,208	757,208	William Kirkpatrick.
1826		811,023	811,023	William Kirkpatrick.
1827		983,410	983,410	William Kirkpatrick.
1828		1,160,888	1,160,888	William Kirkpatrick.
1829		1,129,280	1,129,280	William Kirkpatrick.
1830		1,435,446	1,435,446	William Kirkpatrick.
1831		1,514,087	1,514,087	N. H. Earll.
1832		1,652,985	1,652,985	N. H. Earll.
1833		1,838,646	1,838,646	N. H. Earll.
1834		1,943,252	1,943,252	N. H. Earll.
1835		1,209,867	1,209,867	N. H. Earll.
1836		1,912,858	1,912,858	Rial Wright.
1837		2,167,287	2,167,287	Rial Wright.
1838		2,575,083	2,575,083	Rial Wright.
1839		2,864,718	2,864,718	Rial Wright.
1840		2,622,305	2,622,305	Thomas Spencer.
1841	*220,247	3,120,520	3,340,767	Thomas Spencer.
1842	163,031	2,128,882	2,291,913	Thomas Spencer.
1843	318,106	2,809,395	3,127,500	Rial Wright.
1844	822,418	3,968,186	4,800,554	Rial Wright.
1845	863,456	3,408,408	3,762,358	Enoch Marks.
1846	331,705	3,507,145	3,838,851	Enoch Marks.
1847	262,879	3,688,478	3,951,355	Enoch Marks.
1848	342,497	3,394,029	4,737,126	Robert Gere.
1849	377,735	4,705,884	5,083,560	Robert Gere.
1850	374,732	3,894,187	4,268,919	Robert Gere.
1851	378,967	4,235,150	4,614,117	Robert Gere.
1852	633,565	4,288,988	4,922,553	Harvey Rhoades.
1853	577,947	4,826,577	5,404,524	Harvey Rhoades.
1854	784,474	5,068,873	5,803,347	Harvey Rhoades.
1855	498,124	5,584,761	6,082,885	Vivus W. Smith.
1856	709,391	5,257,419	5,966,810	Vivus W. Smith.
1857	481,200	3,830,846	4,312,126	Vivus W. Smith.
1858	1,514,554	5,518,665	7,033,219	Vivus W. Smith.
1859	1,345,023	5,549,250	6,894,271	Vivus W. Smith.
1860	1,462,565	4,130,682	5,593,247	Vivus W. Smith.
1861	1,884,067	5,315,049	7,200,321	Vivus W. Smith.
1862	1,983,022	7,070,862	9,053,874	Vivus W. Smith.
1863	1,437,056	6,504,727	7,942,383	Vivus W. Smith.
1864	1,971,122	5,407,712	7,378,834	Vivus W. Smith.
1865	1,886,760	4,499,170	6,385,930	George Geddes.
1866	1,978,988	5,180,220	7,158,508	George Geddes.

* Previous to 1841 the solar salt was not reported separate, but included in the aggregate production.

(G.) — (Continued).

DATE.	Solar.	Fine.	Aggregate bushels.	Superintendents.
1867.....	2,271,802	5,323,673	7,595,565	George Geddes.
1868.....	2,027,490	6,639,126	8,666,616	George Geddes.
1869.....	1,857,942	6,804,236	8,662,237	George Geddes.
1870.....	2,847,091	6,260,432	8,748,115	George Geddes.
1871.....	2,464,464	5,910,432	8,374,966	John M. Strong.
1872.....	1,882,604	6,048,321	7,930,925	John M. Strong.
1873.....	1,691,359	5,768,998	7,460,357	John M. Strong.
1874.....	1,667,968	4,361,932	6,029,800	A. C. Powell.
1875.....	2,655,555	4,523,491	7,179,446	A. C. Powell.
1876.....	2,808,679	3,083,998	5,892,677	A. C. Powell.
1877.....	2,525,335	3,902,648	6,427,983	A. C. Powell.
1878.....	2,788,754	4,387,443	7,176,197	A. C. Powell.
1879.....	2,957,744	5,364,418	8,322,162	C. G. Hinkley.
1880.....	2,516,485	5,482,235	7,998,760	N. Stanton Gere.
Totals.....	52,657,916	227,154,441	279,722,357	

SYRACUSE, January 7th, 1881.

To the HON. N. STANTON GERE, *State Superintendent of the Onondaga Salt Springs*:

DEAR SIR — Please find inclosed my report on matters pertaining to the salt-brines and the manufacture of salt on the State reservation.

Most respectfully,

F. E. ENGELHARDT, Ph. D.,

Chemist for the Am. Dairy Salt Co. (limited).

The season just closed has again shown, in a remarkable manner, my often repeated assertion — namely, that the amount of strong brine which we draw out of the ground covered by the reservation, during the time of manufacture, is so inadequate to the demand made on the superintendent during June, July, August and September, that he is compelled to furnish the deficiency from the weak wells, and even then occasional classification of the fine salt blocks must be resorted to during the best time of the season to prevent the decrease in the quality to become such that it would be an actual loss to the manufacturers to use it. The following considerations will prove the correctness of the foregoing assertion:

The production of our "solar salt fields" is annually about two and one-half million bushels of fifty-six pounds each. To produce this quantity in two hundred days we require to produce 12,500 bushels per day, and to which we require 408,150 gallons of water of seventy degrees salometer. If we add to this the unavoidable loss through leakage of logs and vats, removal of bitter water, etc., per year, the daily requirement for two hundred days will be about half a million gallons. But we must make an allowance for rainy and threatening weather, when the covers have to be kept on; and,

secondly, bear in mind that in early spring and in the later part of the season — September and October — the daily evaporation is but moderate, hence the actual production of the two and one-half million bushels of solar salt becomes reduced to about one hundred and twenty-five days, with a daily requirement of 800,000 gallons. Our production of fine salt, including dairy salt, is on an average five million bushels, requiring ninety-five salt blocks to run one hundred and fifty days, with an actual production of three hundred and fifty bushels per block and per day or 33,250 bushels per day for the ninety-five salt blocks, requiring of brine of seventy degrees salometer strength (thirty-five gallons for a bushel of salt) 1,153,750 gallons. The total quantity then required per day is in round numbers two million of gallons for about five months.

Now what are our actual resources to furnish this quantity? We have at present, including the private wells, about thirty wells that yield brine of seventy degrees salometer, and each about forty gallons per minute per day, therefore 1,728,000 gallons; hence we fall short about 300,000 gallons per day. That this is so is proved by the fact above stated, namely, that we must pump the weak wells to supply the deficiency.

What remedies, if any, can the superintendent apply to prevent this yearly recurring difficulty? The digging of new deep wells may be suggested. This remedy has been applied year after year since 1872, and while we have to acknowledge that the average strength of the brine has gained thereby considerably in years past, as is evident from my annual reports to your predecessors, you will also find by examining them, that during the months of June, July and August the brine in all the districts has usually been from three to six degrees below seventy degrees salometer. The difficulty of furnishing strong brine is much increased when, as it did happen during the last season, some wells (three in number) give out either entirely or for a considerable length of time. The sinking of 4,025 new wells in new localities and distant enough from the present groups may give the required amount. My observations have convinced me that, wherever wells in one group come too near together, one draws from the others; for instance, in the DeWolf group, when there were seven wells pumped. But the two practical remedies, which promise, in my opinion, the best success, are those I suggested last year, namely, either to look for brine outside of the State reservation — for its source — or to build one or more reservoirs capable of holding 100,000,000 gallons of brine and to fill them during the months of December, January, February and March. Since all the wells now are pumped by steam, the brine of most of them can with but little difficulty be brought to one central point, for instance, the Syracuse pump-house, and there stored for use in June, July and August.

The strength of the brine of the various strong wells at the different groups has been as usually very uniform, varying not more than one or two degrees, and ranging for the various wells from

seventy to seventy-six degrees salometer. The "Griswold" well stood sixty-eight degrees salometer, while the "Dix" well was about sixty-one degrees salometer. The weaker wells have varied from fifty to fifty-five degrees salometer. The average strength of salometer and temperature for the various districts you will find recorded in tables "A" and "B," annexed to this report.

In this connection it may be interesting to report the sinking of a well by George Barnes, Esq., for fresh water, on James street hill. The material passed through were four feet of soil, followed by thirty-five feet of green shales, succeeded by forty-eight feet of a brown shale, very friable, then came one hundred feet of gypsum of a grayish white color. Below the latter five feet of greenish shales were passed through, followed by six feet of red shales, ending in two feet of greenish shales.

Here then we have a bed of gypsum of one hundred feet thickness. Since now gypsum is an always accompanying material of salt deposits being often found below and above the salt rock, and since we have quite a number of gypsum beds in our neighborhood and county, and of considerable thickness, therefore the salt bed which is the source of our brine must be of very large extent and great thickness, and I hope that the time is not far distant when this salt bed will be found, and thus our works be supplied with sufficient and saturated brine, so that we can then produce twenty millions of bushels per year, and our manufacturers can exist with or without import duty on foreign salt.

Very respectfully,

FRANCIS E. ENGELHARDT, Ph. D.,
Chemist for the American Dairy Salt Co. (limited).

(A.)

MONTHS OF 1890.	SYRACUSE.		SALINA AND LIVERPOOL.		GEDDES BLOCKS.		GEDDES FIELDS.	
	Temperature. Degrees Fahr.	Salometer. Degrees.	Temperature Degrees Fahr.	Salometer. Degrees.	Temperature. Degrees Fahr.	Salometer. Degrees.	Temperature. Degrees Fahr.	Salometer. Degrees.
May	55.80	64.80	56.14	67.78	56.71	65.17	56.57	70.00
June	57.00	65.58	57.10	68.28	58.50	65.50	58.00	67.95
July	57.60	66.45	59.00	69.01	60.16	65.58	61.50	69.31
August	57.00	66.46	58.00	68.92	59.30	65.90	59.00	69.00
September	57.20	66.04	56.75	66.73	57.75	67.02	57.50	70.55
October	52.33	67.89	53.25	68.99	53.00	67.86	53.00	70.75
November	51.50	68.90	50.00	70.00	50.50	69.20	50.00	68.69
Total average.	55.49	66.58	55.73	67.52	56.54	66.32	56.71	69.46
At 60° Fahrenheit.....	.....	66.13	.....	67.10	.....	65.98	.....	69.14

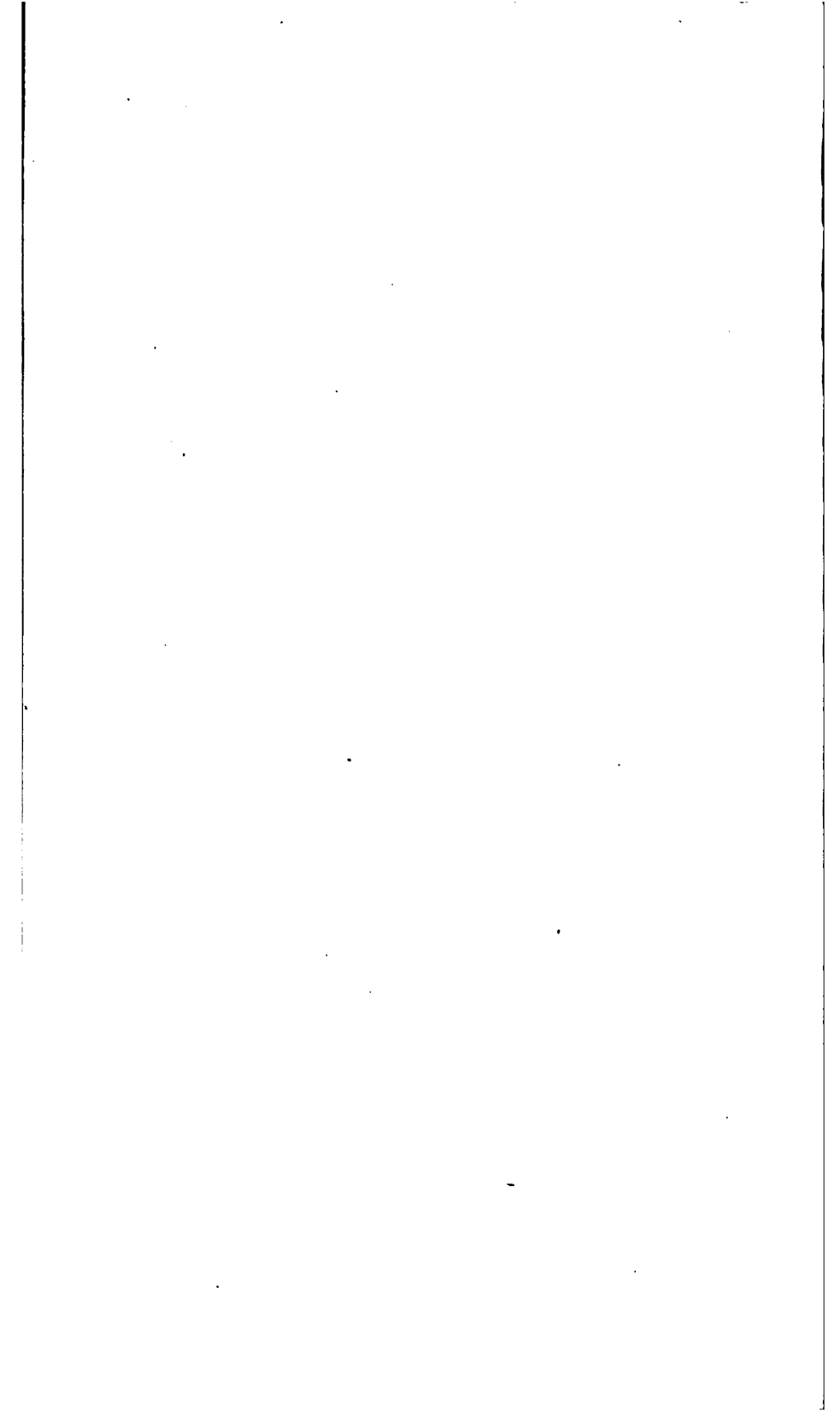
Grand total average for the four pump-houses at 60° Fahrenheit, 66.97.

(B.)

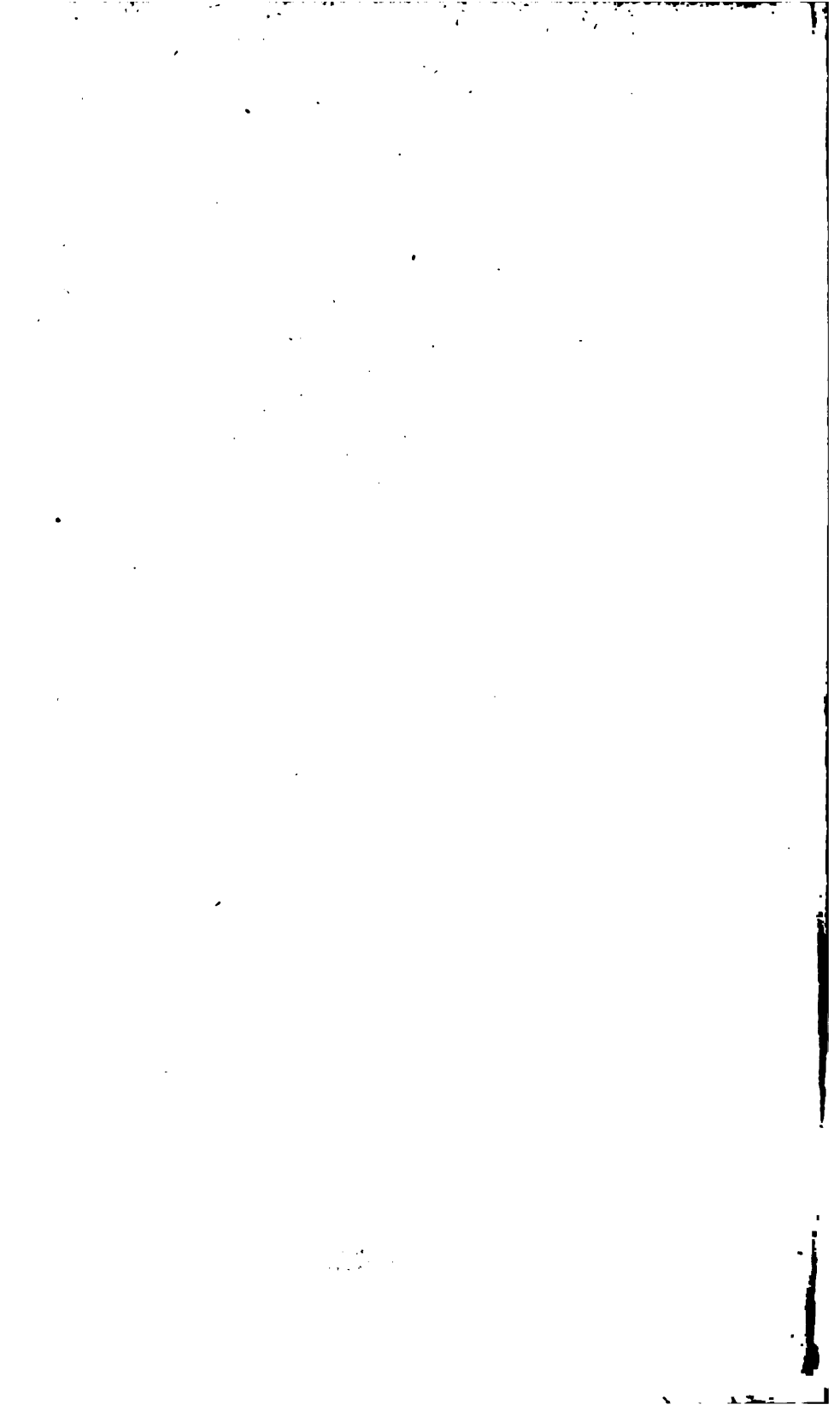
*Showing strength of brine in the four districts at 60° Fahrenheit,
also amount of salt inspected from 1865 to 1880, inclusive.*

DATE.	Syracuse.	Salina.	Liverpool.	Geddes.	Average.	Bushels of salt.
1865	66.17	66.47	60.65	66.17	64.86	6,385,930
1866	65.90	65.81	58.34	65.90	63.98	7,185,508
1867	64.44	64.36	64.35	63.95	64.27	7,565,565
1868	60.98	60.36	60.86	59.02	60.88	8,062,237
1869	59.49	58.94	58.94	59.84	59.22	8,748,115
1870	63.00	62.35	62.35	63.82	62.88	8,374,956
1871	65.10	66.00	66.00	66.20	65.82	7,930,929
1872	63.43	65.43	65.43	67.52	65.45	7,460,367
1873	63.80	66.15	66.15	67.15	65.81	6,029,800
1874	63.88	66.38	66.38	69.50	66.54	7,179,446
1875	66.75	67.70	67.70	69.38	68.15	5,392,677
1876	68.94	69.19	69.19	69.59	69.28	6,428,988
1877	69.98	70.58	70.58	70.02	70.27	7,176,197
1878	66.61	67.47	67.47	67.16	67.20	8,332,162
1879	66.13	67.10	67.10	67.55	66.97	7,998,750
1880						

No records found for the year 1868.









ANNUAL REPORT

OF THE

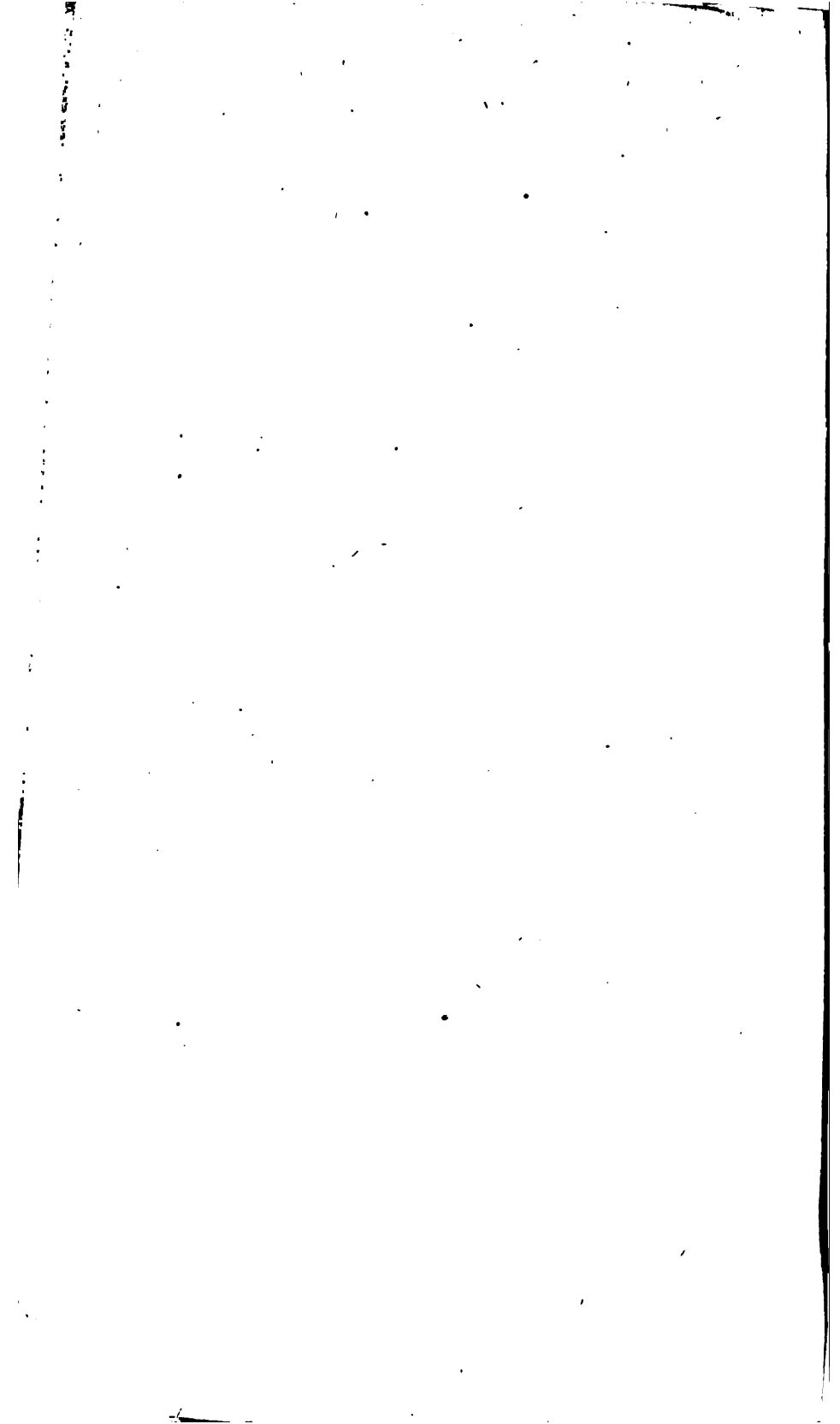
State Engineer and Surveyor

ON THE

CANALS OF THE STATE.

TRANSMITTED TO THE LEGISLATURE JANUARY 12, 1881.

ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1881.



STATE OF NEW YORK.

No. 28.

IN ASSEMBLY,

JANUARY 12, 1881.

ANNUAL REPORT

OF THE STATE ENGINEER AND SURVEYOR ON CANALS
FOR 1880.

STATE OF NEW YORK:

OFFICE OF STATE ENGINEER AND SURVEYOR, }
ALBANY, *January 12, 1881.*

Hon. GEORGE H. SHARPE, *Speaker of the Assembly:*

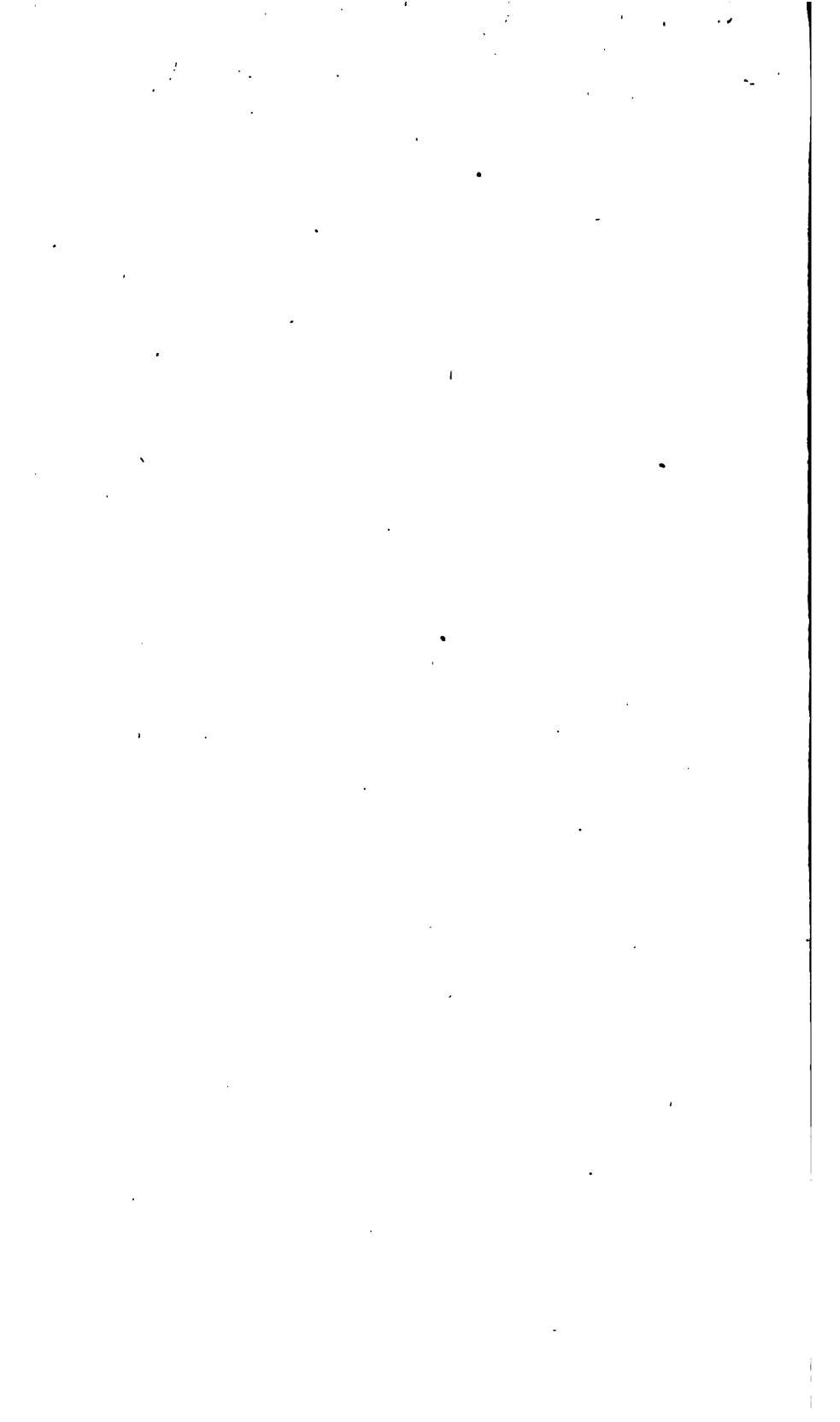
SIR—I have the honor to transmit herewith to the Legislature my Annual Report on the Canals of the State, for the fiscal year ending September 30, 1880.

Very respectfully,

HORATIO SEYMOUR, JR.,

State Engineer and Surveyor.

[Assem. Doc. No. 28.]



REPORT.

OFFICE OF THE STATE ENGINEER AND SURVEYOR, }
ALBANY, January 12, 1881. }

PROSPERITY OF OUR CANALS.

To the Honorable, the Legislature of the State of New York:

The fear expressed by many that the prosperity of our canals during the past two years was temporary has proved to be unfounded. The amount of freight transported on our water-route the past season has been greater than at any prior time during its history. Previous to this year the largest amount carried by the canals was in 1861 and 1862, owing to the fact that at that time the Mississippi and other routes to the seaboard were closed by the war, and the only outlet was the Erie canal. With every channel of trade to compete with, our water-route has this season carried more than when other avenues were closed. After the prosperous season of 1861 the tonnage gradually decreased until 1876 the amount was 1,745,320 tons, while this year the tonnage is 6,462,290.

This means prosperity to all classes of our citizens. Not only the buyer and seller, but all those doing business within the borders of the State are benefited by the success of our canals, those residing in the country as well as in the city. With the price of his grain the western farmer buys goods manufactured in the east. The market of New York city gives value to property throughout this State that without it would be of comparatively little worth. In addition to furnishing this market for manufactures and agricultural products, New York city pays about one-half the taxes of the State, as is shown by the following tables:

Amount of general and school tax for 1879, and the amount New York city paid.

General tax.....	\$4,773,269 24
School tax.....	2,917,147 10
	<hr/>
	\$7,690,416 34

General tax paid by New York city.....	\$2,215,692 27
School tax paid by New York city.....	1,354,103 44
	<u>\$3,569,795 71</u>

Amount of general and school tax for 1880, and the amount New York city paid.

General tax	\$6,370,454 21
School tax	2,862,088 12
	<u>\$9,232,542 33</u>

General tax paid by New York city	\$2,944,728 53
School tax paid by New York city.....	1,322,993 97
	<u>\$4,267,722 50</u>

School tax of 1880.

COUNTIES	School tax raised by each county.	School tax received by each county by the help of New York and Brooklyn and the counties of Columbia, Dutchess and Westchester.	How much more each county got than they paid for themselves.
Albany	\$74,242 46	\$77,663 24	\$3,420 78
Allegany.....	12,150 34	29,222 45	17,072 11
Broome.....	14,339 63	32,076 90	17,737 27
Cattaraugus	14,078 22	33,424 89	19,346 67
Cayuga	26,467 77	39,186 74	12,718 97
Chautauqua	22,960 49	43,500 35	20,539 86
Chemung	14,431 50	25,767 18	11,335 68
Chenango	16,882 59	29,425 67	12,543 08
Clinton	9,074 95	31,823 21	22,748 26
Columbia	29,697 16	28,268 30	.....
Cortland	9,541 61	17,736 21	8,194 60
Delaware	12,136 15	32,314 70	20,178 55
Dutchess.....	44,487 09	44,067 69	.....
Erie	88,509 02	111,478 92	22,969 90
Essex	9,502 00	23,142 11	13,640 11
Franklin.....	7,185 39	21,459 26	14,273 87
Fulton.....	5,781 65	18,758 05	12,976 40
Genesee	18,900 76	19,572 04	671 28
Greene	9,810 10	20,905 70	11,095 60
Hamilton	852 39	2,997 00	2,144 61
Herkimer	16,051 00	27,382 71	11,331 71
Jefferson	23,406 20	45,332 24	21,926 04
Kings	273,419 07	259,868 72	.....
Lewis	8,335 14	21,466 52	13,1 1 38
Livingston	19,331 75	24,634 18	5,302 43
Madison	17,149 80	28,779 89	11,630 09
Monroe	60,613 08	75,083 23	14,470 15
Montgomery	16,193 53	20,395 06	4,201 53
New York.....	1,322,993 97	540,949 97	.....

COUNTIES.	School tax raised by each county.	School tax received by each county by the help of New York and Brooklyn and the counties of Columbia, Dutchess and Westchester.	How much more each county got than they paid for themselves.
Niagara	\$21,676 10	\$30,538 73	\$8,862 63
Oneida	46,954 41	70,142 94	23,188 53
Onondaga	52,098 65	68,513 22	16,414 57
Ontario	24,814 13	30,189 54	5,375 41
Orange	39,410 42	48,056 90	8,646 48
Orleans	14,188 30	19,072 65	4,884 35
Oswego	21,911 54	49,068 34	27,156 80
Otsego	18,571 02	35,140 73	16,569 71
Putnam	7,381 15	9,893 69	2,012 54
Queens	41,492 66	44,349 86	2,857 20
Rensselaer	44,982 71	58,476 49	13,493 78
Richmond	10,900 43	17,924 81	7,024 38
Rockland	11,986 57	14,522 05	2,535 48
Saratoga	19,979 22	34,524 79	14,545 57
Schenectady	9,418 18	13,384 69	3,966 51
Schoharie	8,918 08	22,597 17	13,679 09
Schuyler	6,294 73	12,952 52	6,657 79
Seneca	13,352 51	16,995 91	3,643 40
St. Lawrence	22,171 24	58,030 09	35,858 85
Steuben	19,354 49	49,975 98	30,621 49
Suffolk	15,784 85	30,013 11	14,228 26
Sullivan	4,887 12	21,863 32	16,976 20
Tioga	10,226 31	21,198 84	10,972 53
Tompkins	12,633 64	21,898 27	9,264 63
Ulster	19,681 23	49,103 43	29,422 20
Warren	5,049 44	15,991 66	10,942 22
Washington	21,427 23	32,233 44	10,806 21
Wayne	22,405 28	31,967 25	9,561 97
Westchester	72,479 93	56,388 53	.....
Wyoming	11,430 62	20,921 89	9,491 27
Yates	11,701 12	13,120 81	1,419 69
	\$2,862,088 12	\$2,745,234 78	\$696,680 67

The canal tolls for the past fiscal year amount to \$1,164,567.92, being \$238,823.19 more than last year, notwithstanding the unexpected and early close of navigation. But the tolls earned are a small part of the benefits gained by all classes of citizens in all portions of our State by the cheap transportation which our canal system affords. Railroads by combinations make rates to the sea-board against which the shipper would be powerless, were it not for the water-route. The owners of five thousand boats cannot be drawn into any pooling scheme by railroads or other lines of transportation. Boston, Philadelphia and Baltimore can extort from the railroads running into New York terms unfavorable to its commerce, but as long as the Erie canal is secure, New York city will have a channel through which freight can

be carried to it, cheaper than to any competing point. The law of supply and demand cannot be interfered with upon the Erie canal any more than upon the ocean. If the freights are higher upon it than elsewhere, boats are brought from the canals of Pennsylvania and other States. The theory that all our great routes should be open to all upon the same terms has been realized alone by our canals.

REASON OF THEIR SUCCESS.

The reason of the increased business upon all our lines of transportation is the cheap rate of carrying that has prevailed. The average freight from Buffalo to New York for the past season has been six and one-half cents a bushel of wheat including tolls. This puts in a strong light the wisdom of reducing tolls which, prior to 1869, were about as much as the present cost of transportation, including tolls. Each successive year will probably see an increased crop, demanding greater and improved facilities for its transportation. As the quantity increases the percentage of profit will grow less, and it will be necessary to use every appliance which science can devise to lessen its cost. In 1861 many farmers of the west burned their corn for fuel, because the cost of transportation to Chicago was greater than the value of the grain. That year the tolls on the canal were about six cents a bushel on wheat, this season they were only one cent.

The cost of transportation has gone down because the business of the country has demanded it. The Erie canal, by lowering tolls and giving cheap transportation, has forced the railroads to lower their prices. If the people of the State had not made cheap rates there would have been but little business on the canals during the past season.

Tolls have been reduced very much during the past ten years, but it may be necessary to reduce them still lower, and it may be for the interest of the State to do so. If the boats going west carried full cargoes, they could afford to bring a load of grain to New York for one-half the price they could if they went west empty. Two years ago the tolls on west-bound freight were very much reduced, and on some articles taken off entirely. The result has been that boats have generally carried some cargo going west, and have been enabled to bring the grain east at a rate that otherwise would have been impossible. and I have no doubt that if the tolls were taken off all west-bound freight it would be a great benefit to the commerce of the State, and that the receipts from tolls would not be materially less, owing to the increase in the east-bound business that would be attracted to the canals by the low price at which it could be carried.

GOOD MANAGEMENT.

The success of our canals is largely due to the way in which they have been managed. Three years ago the canals were placed under the control of one responsible head, and since that time they have shown a marked improvement. The money of the State has been judiciously expended and the employees have been required to do their duty. During the past season the effect of this management has been conspicuous. No better proof is needed of the success of the system, and the faithfulness of those who are called upon to carry it out, than the fact that boats have made successive trips in about two-thirds of the time required three years ago. A prominent commercial paper, in speaking of the management of the canals the past season, says: "The really remarkable feature of this immense business was the ease with which it was transacted. The break at Utica early last spring and the early freeze up reduced the shipping season below the average as to length, so that the daily shipment must have been considerably larger than the total figures indicate.

Over seventy-two million bushels of grain and nearly an equal amount of tonnage of coarse freight were received here, and forwarded without any delay, to property in transit or blockades of boats or vessels. The business was also done at a comparatively low rate of freight, which is proof that the supply of tonnage was equal to the demand.

With the canal in its present shape we venture to say that one hundred million bushels of grain could be transported upon it with a proportionate increase in the movement of coarse freights."

DANGER TO OUR COMMERCE.

As long as the water-route consisting of the great lakes, the Erie and Oswego canals and the Hudson river can furnish a cheaper method of transportation than any other, we are safe. But the past is no guarantee for the future. Philadelphia, Baltimore, Boston and Montreal are doing all in their power to take the commerce from New York. The railroads are expending large sums each year in costly experiments to cheapen transportation. Massachusetts has built the Hoosac tunnel, and Canada has commenced and will in a few years complete the finest system of inland navigation in the world. To quote from my annual report for 1879: "While there is so much reason for congratulation about the improved commerce of our State, it is threatened from a new quarter. Our canals and railroads are alike endangered in the near future by the water-route through the valley of the St. Lawrence. In three or four years from this date British

steamships of nearly two thousand tons will lie at the docks of Chicago and other lake ports, unloading their merchandise or receiving their cargoes of grain, provisions, etc. While we have undervalued and neglected our water channels, the British government has steadily pursued a policy which will give it a water-way into the heart of our country, and which will make seaports of our great lake cities, with which it can hold direct commerce by a route under its sole control, through the St. Lawrence river. Few commercial events of this century equal the importance of the completion of this design.

At Cleveland and Toledo in Ohio, British vessels will approach near to the center of population and production of our Union, which is now north of Cincinnati. This center, as shown by the census reports is steadily moving toward a point between Chicago and St. Louis, two great cities, which are even now of more commercial importance than any in our country, except New York. Boston, New York, Philadelphia and Baltimore are marginal towns lying upon the eastern edge of our continent, and remote from the great center of population and production. * * * * * From Chicago to the foot of Lake Erie on the western borders of this State, the British will have the use in common with ourselves of the lakes through which the past season grain has been carried for less than two cents a bushel. They will not have to tranship or elevate their grain as Americans must do, who send it by the Erie canal or by the railroads; they can continue their voyage through Lake Ontario, the St. Lawrence and the ocean to Europe, without making changes of cargo, and free from all charges of storage, elevating, etc. They will only have to pay toll at the locks on the Welland canal, and on the river above Montreal.

On the other hand the products that go through our State must be transhipped at Buffalo or Oswego, must pay elevating canal or railroad charges, and in New York must be warehoused or put into vessels.

* * * * *

We now find ourselves carried back to the question which agitated our State more than sixty years ago, and which led to the construction of the Erie canal. The British are so confident that they will wrest the trade of the west from us, that they have nearly completed works that will cost more than thirty millions of dollars. This is in addition to about twenty millions spent in early improvements, making about fifty millions paid out to gain the great prize they seek, the control of the carrying trade from the heart of our country to the markets of the world. They do not fear our railroads. While we are neglecting our water-routes they spare no cost to perfect theirs." This is the greatest danger that threatens our commerce. It concerns all classes of citizens and all methods of transportation.

HOW WE CAN IMPROVE OUR WATER-WAY.

In view of this great danger it is our duty to consider how we can save the commerce New York has so long held. We should see first how we can cheapen transportation by the American water-route, consisting of the great lakes, the Erie and Oswego canals and Hudson river. The larger the vessel the less the cost of carrying. If our waters admit of vessels drawing even a single foot more than can pass the Welland canal we shall have a great advantage over the British route. By removing the obstructions in the natural channels between the great lakes, and by deepening Buffalo harbor, twenty feet of water can be gained, while the locks on the Welland canal will only admit of vessels drawing thirteen and one-half feet. The United States government is engaged in deepening these channels, and our representatives in Congress should see to it that this work is accomplished in time to offset the advantages which the British will gain from the enlarged Welland and St. Lawrence canals. The State of New York does not ask of the United States government any assistance in maintaining or enlarging its canals. It only asks that the tide-waters of the Hudson river, and the natural channels between the great lakes shall have the consideration which is due to them, as the great channels of commerce of our country.

That large vessels can carry their cargoes cheaper than small ones is seen by the fact that vessels carry grain from Chicago to Buffalo for one-half the cost of carrying it from Buffalo to New York, although the former distance is twice the latter. It is four times as expensive to transport grain upon the Erie canal as it is upon great bodies of water. In order to cheapen transportation upon the Erie canal the boats must be able to carry larger cargoes, and to bring this about we should make the canal deeper. If one foot of water is added to the depth of the canal by raising its banks, the present boats can carry fifty tons additional load and the relation between the size of the boat and the size of the canal will not be disturbed.

This increase in depth would enable the boats to carry one-fifth more cargo.

At the present rate of carrying, it would cheapen transportation one cent a bushel, which would be equivalent to removing tolls. This plan of deepening the canal recommends itself to the boatmen because it requires no outlay on their part, the boats now in use having a capacity for fifty tones more than the present depth allows them to carry.

If no additional load was carried, this increase of depth, with the application of power to the locks for operating the gates and drawing the boats in and out, such as is in use in New Jersey on the Delaware and

Baritan canal, would enable boats to make thirty-seven hours better time in a round trip from Buffalo to New York. This gain in many instances would allow boatmen to make another trip a season. There is no sentiment in trade. Business goes where it can be done the cheapest, and the route that can carry for a few mills less per bushel than any other will command it. The average freight (not including tolls) a bushel of wheat from Buffalo to New York during the past season has been five and a half cents; if this charge could be reduced to four and a half cents, the Erie canal could offer such economical transportation, that there would be very little danger from its northern rival. I have had careful surveys made for the raising of the banks of the canal one foot and for furnishing the necessary water; these show that the work can be done for about \$1,000,000. The gain that this improvement would have made in transportation during the past season would be equal to the cost of the work.

In response to inquiries made by Alonzo Richmond as to the practicability of this work the following letter was received.

"LYONS, *September 2d*, 1878.

DEAR SIR—In reply to yours of August 23, I have to say that I think it is practical to raise the surface of the water in the Erie canal one foot by raising the banks and to lower the bottom one foot except over the culverts and aqueducts. The lower miter sills of the locks must of course remain as they now are. I am confident that a full supply of water could be obtained.

Yours truly

VAN R. RICHMOND.

To ALONZO RICHMOND, *Buffalo.*"

In an article on the future of the Erie canal by John B. Jarvis, published in the International Magazine, June, 1878, there is the following statement:

"A further improvement is practical at a moderate expense by raising the water in the canal one foot, which may be done by raising the lock-gates or putting a plank on the top of the present gates, which would be a small expense, and raising the banks of the canal to correspond. All this may be done in the course of repairs at no great expense, as the lock walls are now sufficient for such raise and require no change.

"These means will enable the canal to improve the economy of transportation."

The following is the opinion of George Geddes on this subject :

FAIRMOUNT, ONONDAGA CO., N. Y., *Dec. 18th*, 1880.

Hon. HORATIO SEYMOUR, JR., *State Engineer and Surveyor* :

MY DEAR SIR—Accept my thanks for copies of your reports. I

very willingly answer your request for my views in regard to the use of steam power for moving boats on our canals.

During the seasons of navigation of the years 1872 and 1873, I spent much time in the examination of this subject, as one of the commissioners to award \$100,000 to the man who would make the application of steam power to canal boats in all respects a success; I visited the Delaware and Raritan canal, and saw the practical working of some of the many plans of improvement proposed for our canals. This canal had a width of water surface of (80) eighty feet, and an average depth of (9) nine, except on some culverts where it is only (8 4-12) eight feet and four inches deep. The locks were 220 feet long and 24 feet wide.

These dimensions admit of the use of boats that will carry 600 tons of cargo, and at various times such boats have been constructed and used on this canal, but they were unprofitable. And too, boats of 140 feet in length, carrying 500 tons, have been tried, and they too were unprofitable, and boats that were made to, and could carry 450 tons, did in fact carry an average cargo of 210 tons. Why? Because the extra cost of crew to meet the increased difficulty of management was too great. The water was too narrow.

Here we have a large canal—a ship canal—that might carry 600 tons on a single boat, but in fact only floats many tons less to a cargo, than does our much smaller Erie canal.

In my early days, I was told by the senior chief engineer of the canals of our State, James Geddes, that when the dimensions of the Erie canal were first considered and determined, this whole question was discussed, and the wise men who constructed the first canal decided that if they made a canal that would be adequate to carry the "ships" that then navigated the lakes, it would be economy for such vessels to transfer their loads to canal barges, and not attempt with their rigging and build and great weight, the passage of the many locks, bridges and other obstructions they would meet with on the canals. The fathers constructed a canal well planned to meet the wants of their times. But other and more active years grew out of their work, and the canal they made was not of sufficient capacity for the demands of a vastly increased commerce, and the old canal was enlarged, and for a while was thought to be abundantly sufficient, but again the time has come for further increase of capacity. How shall this increase be secured? This is the pressing question. The Delaware and Raritan canal experiment should answer. Boats (110) one hundred and ten feet long, 23 feet wide, the superintendent of that canal said were as large as could be used profitably there. More depth of water is what is needed to increase the capacity of our canals, and this fact became apparent to us who rode on the steamers, and learned from practice how boats in narrow canals must be managed, and some of us have not ceased to urge the deepening of the water ever since.

Your experiments in this direction I have taken great interest in. The great advance in the application of steam power to canal boats, since our commission was dissolved, has been in the so-called "Illinois system," "which consists," as you describe it in your report, "in coupling boats and propelling and steering them by an engine, wheel and rudder on the rear boat." Your passage on this steamer from Buffalo to New York city, as detailed in your report, very fully shows the ad-

vantages of *pushing* rather than *drawing* the consort boat, and your condensed summary of the results arrived at tells most conclusively the great advantages of this "Illinois system" over any before applied to our canals, and most forcibly demonstrates that with a canal having (9) nine feet depth of water, the cost of transportation would be very materially reduced.

The facts determined by your trip, added to what we knew before, put at rest all doubts as to the policy of our State in regard to the great canals.

Let the banks of the canals be raised one foot, and the bottom lowered (except over the culverts and aqueducts) another foot, and the two boats, by the "Illinois system," would carry about 600 tons, making nearly or quite three miles an hour, and having a crew of not more than seven (7) persons, counting the cook. I trust that our Legislature may have this matter so fully set forth by you, and others charged with the interests of the canals, that speedy action may be had, that will, in the shortest period possible, perfect these improvements.

For myself, I would very much wish to have the locks widened to 24 feet, in addition to increasing the depth of water, and the surface of the water in the canal widened to 80 feet, where practicable; but these are improvements that will follow the deepening in their proper time.

The engines must be on the boats, and be able to move them backward as well as forward, and for this reason, if for no other, all schemes of railroads on the banks of the canal, or cables laid along its bottom to move the boats, have appeared to me idle, and but divert the public mind from a full investigation of the true plan of improving our means of transportation. One paragraph, in your account of the trip of the steamer "Emma" and her consort, from Buffalo to New York, is very suggestive. I quote it:

"July 13, at 2 P. M. *We uncoupled the boats at Rochester aqueduct, and towed the consort to lock No. 66; the sharp curvature making it difficult to move them through this portion of the canal while coupled.*"

Thus you demonstrated that boats 200 feet long could not navigate our canals in the crookedest places; and the boatmen of the Delaware and Raritan canal showed, on that much larger water-way, boats of that length were of no value, and that boats of even 144 feet length, with extra men on the bows to keep off the shores and from injuring other boats, when carrying full cargoes, were nuisances, so decided that they were forced to reduce the weight of their cargoes to an average actual cargo of 210 tons. These long boats neutralized the value of a large canal.

It is passing strange that our State has not introduced the modern appliances for opening and closing lock gates, and for drawing boats in and out of the locks.

The path of improvement is now so plainly marked out that it most certainly will be followed. The opinions of all experts, who have given investigation to this matter, may be said to be alike, and the time for prompt action has fully come.

In addition to the financial advantages that would flow from the improvements you advocate, there is a moral consideration worth the attention of all lovers of men and animals. It will be a great advance

in this direction, to give the galled and jaded horses and mules of the tow-path an honorable discharge from that service, and it would be a great thing to substitute for the drivers, facing storms and hardships on the bank, educated mechanics, managing steam engines in the comforts of sheltered cabins.

Very respectfully yours,

GEO. GEDDES.

It will be necessary at no remote day to remove the material that has accumulated in the bottom of the canal in some other way than has hitherto been employed. When this is done the work of raising the banks can be accomplished cheaper than at any other time.

CANAL FILLING UP.

I beg leave to refer you to my report made to the Legislature in March last on the condition of the canals, from which the following is an extract:

"It has been the aim of the canal authorities to open the canal in time to take the grain upon its arrival at Buffalo. This leaves but a short time to make repairs, as little can be done until the frost is out of the ground. When the water is drawn off the work of cleaning out the prism, repairing the foundations of the locks and all other structures that are covered with water when the canal is full must be commenced and finished. The haste with which this work must be done is a great source of expense to the State.

Many streams empty into the canal carrying in times of freshet large amounts of mud and gravel. Every city and village along the line pours in more or less sewerage. Offal is thrown out from boats; and through every city and village ashes and other rubbish is thrown into the canal. This material, which accumulates during the year, must as a rule be removed in a few days in spring. Every year a portion of this deposit is taken out, but the time is so limited and the difficulty of handling it so great, that there is not so much removed as comes in. The consequence is that the canal has been gradually filling up. In order to allow the boats to draw six feet of water the levels of the canal have been raised, making it necessary to lift up the bridges to allow boats to pass. The Erie survey of 1876 showed that the bottom of the canal had been worn away in the center under the boats to more than seven feet in depth, but at the sides deposits existed, varying from six inches to two feet high, and extending over one-half the bottom. The amount of this deposit was estimated to be about 900,000 cubic yards; this amount has increased since that time to about 1,000,000 cubic yards. Last spring a great effort was made on all the divisions to clean out the prism, but the time was so short (eighteen days) that not more than 100,000 cubic

yards was removed. Although but a small amount of the whole deposit was taken out, this work had a marked effect on navigation, as the boatmen will testify. The whole of this material can be removed by dredges in the summer, without interfering with navigation, in four years, at a cost of about twelve cents a cubic yard, which will give to the canal a uniform depth of about eight feet. Experience has shown that it cannot be removed by hand, except at a very great cost.

Last spring \$30,000 was spent on the Western Division for removing deposits. This sum would have furnished a dredge and paid the expense of working it two years.

The difficulty of cleaning out the canal in the coming spring will be increased because of the large number of loaded boats frozen up along the line.

CONSTITUTIONAL RESTRICTION.

As the Constitution now stands no more can be spent upon the canals in any one year than the gross receipts of the previous year. This provision, passed to prevent the lavish expenditures of past years, now threatens the existence of our canals. It is an established fact that so much more is to be gained from the commerce which passes through our canals than from the revenues received from tolls, that no one would wish to lay any greater tax on commerce than is necessary to operate the canals and keep them in repair. In addition to this the competition of the other routes makes it necessary that the tolls should be as low as possible. Yet if at any time the receipts of a prior season should be small, and a break or some disaster occur to the canals there would be no power in the Legislature to appropriate, or any State officer to pay, one dollar more than the receipts of the previous year; and the canals might have to be closed in the middle of the season and when the largest amount of grain was coming forward. A resolution passed both houses of the Legislature last winter, for repealing this clause of the Constitution, but it will require the sanction of another Legislature and a submission to the people before it can go into effect.

DEMAND FOR NEW BRIDGES.

The Erie canal has been the means of building up a large number of prosperous villages and has added to the size and importance of every city along its line.

For some years after the canal was built these places furnished most of the business that was done, but as New York ceased to be a grain-producing State and railroads sprung into operation the way business alone the route of the canal grew less, and through freight from the west took its place.

When the canal was built, bridges were constructed at various points. There are now one thousand one hundred and sixty-nine bridges maintained by the State at a large expense although they do not benefit navigation. As the population grows the demand for new bridges increases until during the last Legislature many bills were introduced appropriating money for this purpose. The amount asked for was so large that if the work had been done it would have crippled the Superintendent of Public Works in maintaining the canals. But bridges crossing the canal at an elevation sufficient to allow the passage of boats under them no longer satisfy the public; the demand is for structures arranged so as to allow a passage over the canals at or near the water surface. These are of two kinds, either swing or lift bridges. The first is a much more serious obstruction than the second, because the pier upon which it rests hinders the flow of the water and stands directly in the way of the boats. Ten of these bridges span the canal between Buffalo and Albany and threaten and hinder navigation. As there are more than five thousand boats on the canal a single day's obstruction might make a crowd of more than two hundred boats.

This would so disarrange navigation as to cause a serious loss and delay to commerce. In order to use these movable bridges men have to be employed who, in most instances, are paid out of the tolls levied on the boatmen. This expenditure deprives the boatmen and the State of a sum that would do much to improve and facilitate navigation. The claim is made by the towns that the State is under obligation to build bridges for their accommodation because they have built up the canals. The contrary is true. The canals have been sources of wealth to every city or village through which they pass. This class of bridges adds to the cost of insurance on boats and cargoes at the same time the loss from negligence or accident in their use falls upon the boatmen who are injured by their erection and not upon those who are benefited. If the towns along the lines of the canals want these conveniences they should pay for and operate them. The city of Rochester has seen the justice of this and has built one lift bridge, and is now asking permission to construct a second at its own expense.

Last year Governor Cornell took the ground that this class of work was not only unjust to the canals but was prohibited by section 3, article 7 of the Constitution, which limits expenditures on the canals to the cost of superintendence and repairs, and does not admit of building novel structures unknown upon the line of our public works at the time of the adoption of this clause of the Constitution.

His position in regard to these bills will meet the approval of all friends of the canals.

HELP THE BOATMEN.

The boatman is the partner of the State in transportation and yet he has no more voice in its control than any other citizen. He risks every thing in his business, and if he is detained by a break or any obstruction to navigation the State cannot make good his loss.

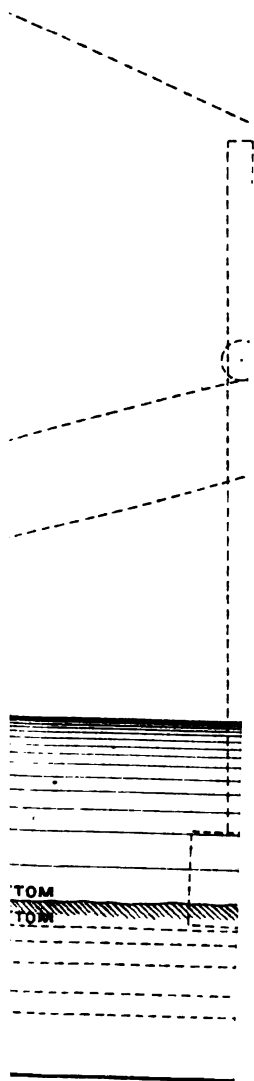
By the nature of his occupation it is difficult for him to express his preference at elections, and yet his success or failure in a large degree depends upon the choice of proper State officers.

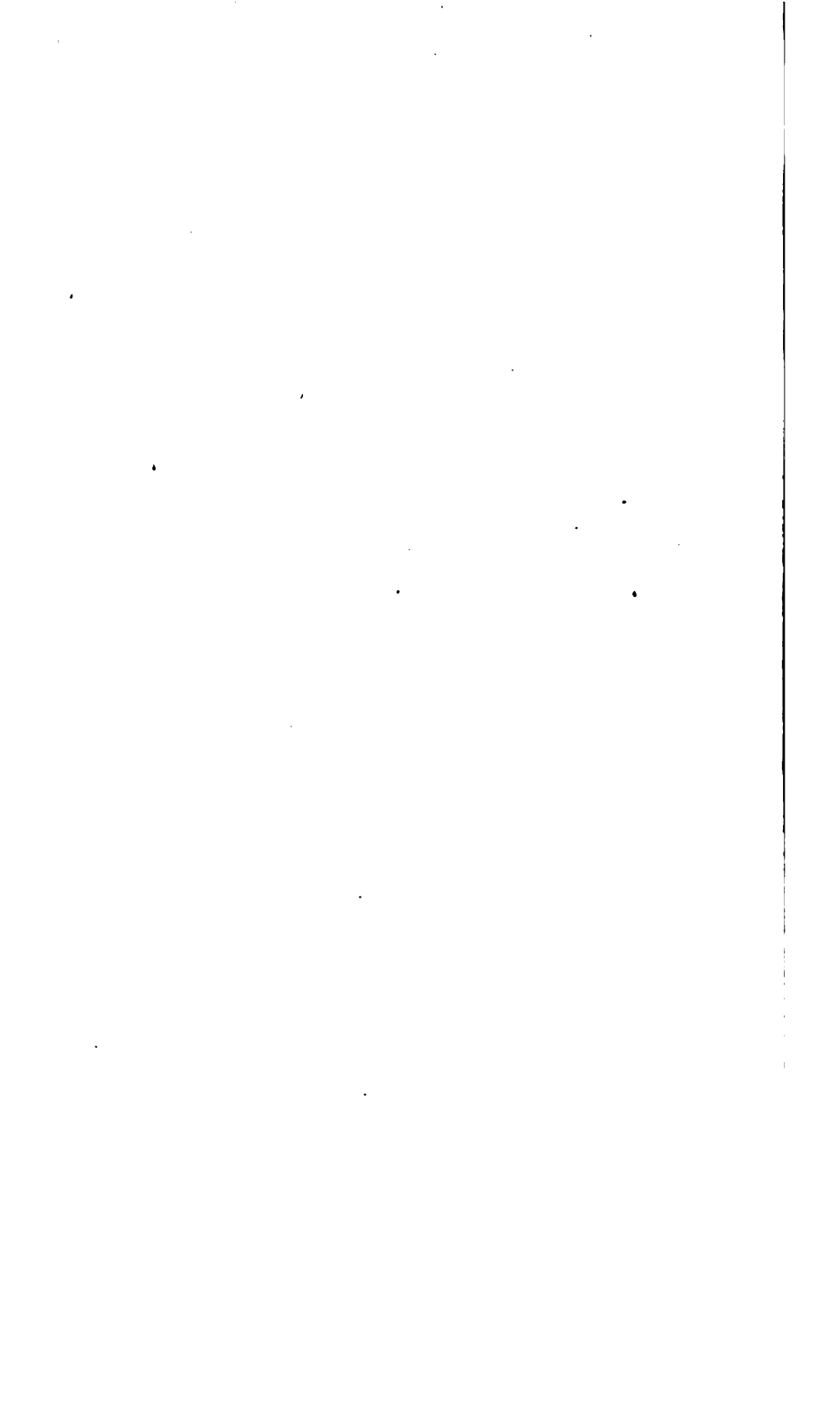
He has been mixed up in the minds of many with those who were engaged in doing useless and fraudulent work on the canals, whereas, on the contrary, he is the one most interested in their good management. His success is the success of the canals, and he should have every consideration possible from the State. This body of fifty thousand boatmen have a fund of information which would be of great value, not only to those who have charge of the canals, but to the Legislature, if it could be presented in some authentic form. I respectfully suggest to you the propriety of some legislation that would allow the boatmen to form an organization similar to that of the State Agricultural Society. This would induce them to come together and to present their views of the condition and needs of the canal, and to point out the abuses and their remedies. The reports of this association could be made to the Legislature and be published among its documents. Such an association would be a protection to our canals, and to those who are engaged in business upon them, and at the same time strengthen the hands of State officers in the performance of their duties.

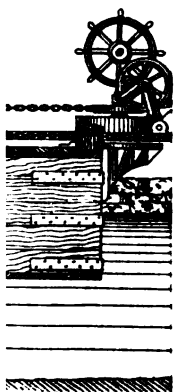
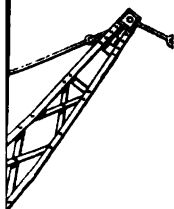
HORATIO SEYMOUR, JR.,
State Engineer and Surveyor.

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EASTERN DIVISION.

ANNUAL REPORT OF THE DIVISION ENGINEER, NEW YORK STATE CANALS, 1880.

ALBANY, *October 1st*, 1880.

HON. HORATIO SEYMOUR, JR.,
State Engineer and Surveyor:

SIR—In pursuance of the regulations of the engineering department under act chapter 169, Laws of 1862, I herewith submit the annual report of the eastern division, New York State canals, for the fiscal year ending September 30th, 1880.

DESCRIPTION OF THE EASTERN DIVISION.

The canals and navigable feeders embraced in this division are as follows:

	Miles.
Erie canal, from Albany to east line of Oneida county....	106.243
Port Schuyler side-cut.....	.35
Albany basin.....	.77
Mohawk feeder, north side of Little Falls.....	.50
Champlain canal, including Waterford side-cut and Cohoes and Saratoga dams.....	66.00
Pond above Troy dam.....	3.00
Glens Falls feeder and pond above.....	12.00
Total.....	<u>188.863</u>

EXTENT OF FEEDERS NOT NAVIGABLE.

	Miles.
Mohawk river, at Rexford flats.....	.39
Mohawk river (south side), Little Falls.....	.19
Mohawk river at Rocky Rift.....	3.92
Schoharie creek.....	.62
Total.....	<u>5.13</u>

ERIE CANAL.

Water Supply.

1st. That portion of the Erie canal lying between Little Falls and
[Assem. Doc. No. 28.] 3

the western terminus of this division is supplied through the Rome level from reservoirs and rivers upon the middle division.

2d. At Little Falls, the supply is through the feeder from the Mohawk river, the quantity being 12,643 cubic feet per minute.

3d. At foot of lock No. 34, the supply is through the Rocky Rift feeder from the Mohawk river, the quantity being 10,600 cubic feet per minute.

4th. Below lock No. 29, the supply is through the Schoharie Creek feeder from the Schoharie creek, the quantity being 6,800 cubic feet per minute.

5th. At the foot of lock No. 21, the supply is through the Rexford Flats feeder from the Mohawk river, the quantity being 10,980 cubic feet per minute.

6th. At junction with the Champlain canal, the supply is through said canal from the Mohawk river at Cohoes, the quantity being 6,570 cubic feet per minute.

The large increase in traffic over previous years, which necessitated increased lockages, together with the long and continuous drought, have thoroughly tested the available supply and proved that additional resources are necessary to prevent serious detentions to navigation.

In view of this, I would recommend that provision be made by extending the system of supplies on the middle division.

CHAMPLAIN CANAL.

Water Supply.

From junction with Erie canal to one mile north of Waterford, the supply is from the Mohawk river at Cohoes; from one mile north of Waterford to the Saratoga dam at Northumberland, the supply is from the Hudson river; from Northumberland to Whitehall, the supply is from the waters of the upper Hudson, through the Glens Falls feeder, supplemented on the north by Wood creek at Fort Ann.

The supply from the watersheds to the upper Hudson has decreased to such an alarming extent, caused principally by droughts, together with the annual deforesting and areas of soil denudation, that no surplus water has existed during the past season, the quantity being sufficient only by economical management to meet the demand. This insufficient supply of water caused large saw-mills to suspend operation, whose trade forms one of the most important sources of revenue.

It is always commendable for the State to protect its interests, and in this case I recommend the construction of a reservoir above Glens Falls, which will, together with the present supply, provide for all necessary contingencies.

ERIE CANAL.

Ordinary Repairs.

The navigation of the canal on this division has suffered less from

interruptions the past season than for many years. No breaks have occurred, and with the exception of a few days scarcity of water, no difficulties have been experienced. The different kind and character of work done and recommended to be done is summarized as follows:

Section No. 1.

This section includes that portion of the Erie canal extending from Albany to the lower Mohawk aqueduct, including the Albany basin, the Port Schuyler and West Troy side-cuts, and the Champlain canal from Cohoes to its junction with the Erie.

Repairs.

The principal repairs have been excavating rock and old slope wall between locks No. 16 and No. 17 and substituting new vertical wall; also rebuilding 150 feet of retaining wall between the above locks; this wall prevents the street from encroaching on the tow-path; also driving forty piles at the foot of the embankment, near lock 14; the bank was thoroughly saturated with water, breaking away at back angle of tow-path, and but for this precaution a serious calamity might have occurred.

The embankments on the south side of lock No. 10 have been gradually washed away by a stream, thus endangering the stability of the lock. By constructing a heavy retaining wall, this injury was repaired.

Most of the road and farm bridges have been thoroughly repaired. Seven new lock bridges constructed, inserting seven new lock-gates and repairing sixty old ones. The substituting of 12,000 lineal feet of dock timbers at Little Basin, in Albany, and through West Troy.

More than the ordinary cleaning out of the canal was done last spring, and on a number of the levels through the sixteen locks elevation of canal bottom was given and the sediment excavated with reference thereto.

All the tow-path has been raised from lock No. 18 to the lower Mohawk aqueduct.

The length of this section is 16½ miles.

Recommendations.

The following repairs are recommended on this section: Inserting two new upper gates at lock No. 1. One new upper gate and new mitre-sill in lock No. 4. Two new lower gates and mitre-sill in lock No. 5. Two new upper gates and mitre-sill in lock No. 6. Two new upper gates and mitre-sill in lock No. 7. Two new upper gates in lock No. 10. One new upper and lower gate in lock No. 12. Two new upper gates and two new mitre-sills in lock No. 14. Two new upper gates in lock No. 16. Rebuilding new piers at head of locks Nos. 1, 3, 10 and 12; also new lower piers at locks Nos. 6, 7, 8, 9, 11 and 18. The waste-weir above lock No. 18 is in

bad condition and needs rebuilding; also the one below lock No. 4. The berme abutment at bridge No. 30 is undermined, and should be rebuilt immediately after the close of navigation. Rebuilding wings of culvert near lock No. 10. The top dock timbers from lock No. 3 to No. 18 are mostly rotten and need replacing. The tow-path between lock No. 2 and Port Schuyler is low and should be raised to its proper elevation.

Section No. 2.

This section extends from lower Mohawk aqueduct to lock No. 27. Besides the ordinary cleaning out of the canal before the opening of navigation, there have been inserted two new lock-gates in each of locks Nos. 19, 24 and 36, and one in lock No. 27. Also rebuilding new bulk-head at head of locks Nos. 20 and 26, and repairing those at locks Nos. 19, 21, 22 and 25.

Many of the wooden bridges have been repaired by substituting new needle beams, new diagonals and thoroughly replanked. The tow-path has been raised between lower Mohawk aqueduct and lock No. 19; also from lock 19 to 21; also from lock 23 to 24, and portions of the fourteen-mile level. The total length of this section is 29 miles.

Recommendations.

The most needed repairs are rebuilding culvert near Van Vranken's bridge, east of lock No. 19; also substituting an arch-culvert for the old wooden trunk near Flint hill; also rebuilding pier at head of lock No. 20; also rebuilding with iron, bridge No. 42, at Whitehead's dock; bridge No. 58, at Jefferson street, Schenectady, and bridge No. 67, near lock No. 24; also rebuilding wooden bridge No. 63.

Lock No. 20 should be thoroughly reconcreted and replanked. A portion of the vertical wall upon the short level between locks Nos. 21 and 22 should be relaid, and the whole length of level re-coped with new dock timbers; also rebuilding bulk-head for feeder at Rexford Flats.

The high berme and tow-path banks, west of Schenectady, upon the nine-mile level, are weak; the timber walls have decayed, and the sheet piles broken. To remedy this a new timber wall should be built, the embankment widened and raised one foot.

The berme abutment at bridge No. 44 has become undermined, and should be relaid immediately after the close of navigation.

Section No. 3.

This section extends from lock No. 27 to lock No. 34. The principal repairs have been inserting eighteen new lower lock-gates, and repairing all of the remaining old ones.

New wooden bridges have been erected over the Schoharie and Rocky Rift feeders, and thorough repairs to the road and farm bridges.

Portions of the tow-path have been raised between locks Nos. 28 and 29, and also upon the fourteen-mile level. The removal of bars and sediment during the spring was satisfactorily done.

Recommendations.

Repairs necessary are as follows:

Reconcreting and replanking lock No. 28.

Replanking lock No. 30.

Also reconcreting and replanking locks Nos. 32 and 33.

Two new upper gates should be inserted in lock No. 28.

Also two new gates in each of locks Nos. 32 and 33.

The berme lock No. 32 needs a new mitre-sill.

East abutment of Lasher's aqueduct should be rebuilt.

Also relaying berme abutment of bridge No. 104, which is undermined.

The old waste-weir at head of lock No. 33 is in a dilapidated condition. It should be removed and a new one constructed on the tow-path side of the canal.

The bulk-head at Schoharie Creek feeder should be rebuilt. The tow-path between locks Nos. 32 and 33 has long been in need of repairs. It should be raised and properly graded.

The length of this section is 36 miles.

Section No. 4.

This section extends from lock 34 to the east line of Oneida county.

A new pier has been built at the head of lock No. 37.

Two new tumble gates and platform inserted in lock No. 45.

Two new gates in lock No. 40.

Two new farm bridges erected, also relaying berme abutment of Frankfort street bridge.

The work of bottoming out the nine-mile level and raising the tow path was completed this spring. The removal of a portion of the old bench-wall and the accumulated sediment has greatly improved navigation upon this level. The ordinary spring repairs were done upon the balance of this section by the removal of bars, etc.

Recommendations.

The repairs most needed are:

Inserting three new upper gates and one lower gate in lock No. 36.

One upper gate in lock No. 41.

Also one lower gate in each of locks Nos. 35 and 43.

The waste-weir near lock No. 42 should be thoroughly repaired.

The vertical wall through the village of Mohawk on the berme side of the canal should be relaid.

The berme wall of lock No. 40 leaks badly and should be repaired.

Total length of this section is 30 miles.

CHAMPLAIN CANAL.

Section No. 1 — Ordinary repairs.

This section extends from the guard-lock at Waterford to the guard-lock at Northumberland, including the Waterford side-cut and the Hudson river from Troy dam to Waterford.

Besides removing all the bars and sediment accumulated upon the different levels there have been erected several new farm and road bridges.

Raising and grading bridge approaches.

Inserting new gates at Baker's lock.

Repairing weigh-lock at Waterford and raising the tow-path where most needed.

Repairing 200 feet of the apron of the State dam at Troy, and rebuilding the pier which separates the Troy dam from the approach to the sloop-lock.

Length of this section is 30 miles.

Section No. 2.

This section extends from north guard-lock at Northumberland to Dunham's waste-weir, together with the Glens Falls feeder and pond above.

The principal repairs have been :

Repairing Satterlee's waste-weir and extending berme end of Landers' culvert and strengthening banks on each side of said culvert.

Rebuilding the Black House and Fort Miller road bridges.

Also bridge near head of five combined locks on Glens Falls feeder, and rebuilding berme abutment for the same.

The head of feeder lock No. 4 has been rebuilt with new gates and mitre-sill inserted.

New gates have also been put in Bassett's lock and in lock at head of feeder.

One hundred and forty feet of vertical wall relaid through village of Ft. Edward and old docking replaced on the twelve and five-mile levels.

Length of section is 22 miles.

Section No. 3.

This section extends from first waste-weir, south of Dunham's basin to Whitehall. The repairs have been widening and straightening the channel near Whitehall; also south of Smith's basin, and at Woodchuck Point. The material excavated from the latter place was slate-rock, and was used for raising the tow-path upon the twelve-mile level.

Several of the bridges have been replanked and bridge approaches raised and widened.

The tow-path angle on the twelve-mile level has been repaired, together with the ordinary clearing out of the prism upon the entire section.

Length of section is 21 miles.

Extraordinary Repairs.

Under act chapter 258 of the Laws of 1880, the unexpended balance of two hundred and twenty-seven thousand and two hundred dollars and fifty-four cents is reappropriated for continuing the improvement of the Champlain canal.

The large increase in traffic from the rapidly-developing tributaries to this thoroughfare demand that the improvement be pushed forward without delay.

It is false economy for the State, and detrimental to those navigating this canal, not to have the much-needed six feet depth of water. No work has been done toward securing this end during the past season, and hence I submit a statement showing the nature and estimated cost for constructing bridge abutments, waste-weirs, enlarging and extending culverts, enlarging aqueducts and widening and straightening that portion of the prism which is most objectionable to present navigation.

Estimate for enlarging Slocum's Aqueduct.

Bailing and draining.....	\$550 00
1000 cubic yards excavated earth, at 25 cents.....	250 00
250 " " " old masonry, at 75 cents....	187 50
25 " " " rock, at \$1.....	25 00
257 " " masonry, at \$7.....	1,799 00
181 " " " in retaining wall, at \$5.....	905 00
80 " " relaying masonry, at \$4.....	320 00

Extending trunk :

2,000 feet B. M. oak timber, at 60 cents.....	120 00
1,000 " " pine timber, at 30 cents.....	30 00

Timber dock :

3,200 feet B. M. pine, at \$20.....	64 00
40 chestnut ties, at 75 cents.....	30 00

\$4,280 50

Deduct material delivered :

181 cubic yards vertical wall stone, at \$2.50 ..	\$452 50
80 " " old stone, at \$2.50.....	200 00
	<hr/>
	652 58

Total..... \$3,628 00

Estimated cost of extending Landers' Culvert.

Bailing and draining.....	\$25 00
200 cubic yards excavation earth, at 25 cents.....	50 00
20 " " " old masonry, at \$1.	20 00
200 " " embankment, at 30 cents.....	60 00
6 " " arch masonry laid, at \$8..	48 00

40 cubic yards wing and parapet masonry, at \$7.....	\$280 0
4 " " coping, at \$10.....	40 00
2,700 feet B. M. hemlock timber and plank, at \$16....	43 20
200 pounds spikes and nails, at 6 cents.....	12 00
Contingencies, 15 per cent.....	86 73
Total.....	<u>\$664 93</u>

Estimated cost of extending Motl's Culvert.

Bailing and draining.....	\$50 00
500 cubic yards excavation earth, at 25 cents.....	125 00
50 " " old masonry, at 80 cents..	40 00
500 " " embankment, at 30 cents.....	150 00
12 " " arch masonry laid, at \$8.....	96 00
86 " " wing and parapet masonry, at \$7.....	602 00
8 " " coping, at \$10.....	80 00
5,500 feet B. M. hemlock timber, at \$16.....	88 00
400 pounds spikes and nails, at 6 cents.....	24 00
Contingencies, 15 per cent.....	188 25
Total.....	<u>\$1, 443 25</u>

Estimate for widening Champlain Canal at Lower Change Bridge Fort Miller.

1,000 cubic yards excavated earth, at 40 cents.....	\$400 00
200 " " embankment, at 50 cents.....	100 00
12,000 feet B. M. pine docking (10 in. x 12 in.), at \$30..	360 00
2,650 " " chestnut ties, etc., at \$35.....	92 75
500 pounds wrought iron, at 6 cents.....	30 00
	<u>\$982 75</u>
Contingencies, 15 per cent.....	127 40
Total.....	<u>\$1, 110 15</u>

Estimate for widening Champlain Canal at Daly's Bend, Whitehall level.

760 cubic yards excavated earth, at 40 cents.....	\$304 00
Contingencies, 15 per cent.....	45 60
Total.....	<u>\$349 60</u>

Estimate for enlarging Champlain Canal at Coveville.

1,450 cubic yards excavated earth, at 30 cents.....	\$435 00
1,740 " " " rock, at \$1.50.....	2, 610 00
200 " " embankment, at 30 cents.....	60 00
100 " " vertical wall in cement, at \$5	500 00
50 " " slope wall, at \$3.....	150 00
40 " " gravel lining, at 50 cents.....	20 00
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	\$3, 775 00
Contingencies, 15 per cent.....	566 25
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Total.....	<u>\$4, 341 25</u>

Estimate for completing Bullard's Bend.

Grubbing and cleaning, at	\$50 00
Bailing and draining, at.....	25 00
7,000 cubic yards excavated earth, at 30 cents.....	2, 100 00
120 " " " old masonry, at \$1.....	120 00
8,000 " " embankment, at 40 cents.....	3, 200 00
1,500 " " lining, at 80 cents.....	1, 200 00
750 " " slope wall, at \$3.....	2, 250 00
120 " " abutment masonry, at \$8.....	960 00
20,000 feet B. M. hemlock timber, at \$20.....	400 00
	<hr/>
	\$10, 305 00
Deduct materials furnished by the State :	
100 cubic yards old stone, at \$2.....	200 00
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	\$10, 105 00
Contingencies, 10 per cent.....	1, 010 50
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Total.....	<u>\$11, 115 50</u>

Estimate for improving portions of Twelve-mile Level.

16,680 cubic yards excavated earth, at 30 cents.....	\$5, 004 00
150 " " vertical wall in cement, at \$5.....	750 00
200 " " embankment, at 30 cents.....	60 00
6,000 feet B. M. hemlock timber, at \$20.....	120 00
50 cubic yards gravel lining.....	40 00
Grubbing and clearing.....	50 00
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	\$6, 024 00
Contingencies, 15 per cent.....	903 60
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Total.....	<u>\$6, 927 60</u>

Estimate for constructing bridge abutments on Section 1.

Bailing and draining.....	\$120 00
725 cubic yards excavation of earth, at 25 cents.....	181 25
240 " " " old masonry, at 80 cents..	192 00
1,070 " " embankment, at 30 cents.....	321 00
490 " " abutment masonry, at \$6.50.....	3,185 00
10,200 feet B. M. hemlock timber and plank, at \$16...	163 20
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	\$4,162 45
Deduct material on hand:	
40 cubic yards stone, at \$3.....	\$120 00
118 " " " at \$1.25.....	147 50
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	267 50
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	\$3,894 95
Contingencies, 15 per cent.	584 24
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Total.....	\$4,479 19

Estimate for constructing bridge abutments on Sections 1 and 2

Bailing and draining.....	\$120 00
1,400 cubic yards excavation of earth, at 25 cents.....	350 00
475 " " " old masonry, at 80 cents..	380 00
1,075 " " embankment, at 30 cents....	322 50
714 " " abutment masonry, at \$6.50.....	4,641 00
20 " " rubble masonry, at \$3.50.....	70 00
10,200 feet B. M. hemlock timber and plank, at \$16...	163 20
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	\$6,046 70
Deduct material on hand:	
108 cubic yards stone, at \$3.....	\$324 00
212 " " " at \$1.25.....	265 00
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	589 00
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	\$5,457 70
Contingencies, 15 per cent.	818 65
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Total.....	\$6,276 35

Estimate for constructing bridge abutments on Section 3.

Bailing and draining.....	\$80 00
815 cubic yards excavation of earth, at 25 cents.....	203 75
256 " " " old masonry, at 80 cents..	204 80
1,500 " " embankment, at 30 cents.....	450 00
523 " " abutment masonry, at \$6.50.....	3,399 50
20 " " rubble masonry, at \$3.50.....	70 00

10,000 feet B. M. hemlock timber and plank, at \$16... \$160 00

\$4,568 05

Deduct material on hand:

30 cubic yards stone, at \$3..... \$90 00

156 " " " at \$1.25..... 195 00

285 00

\$4,283 05

Contingencies, 15 per cent..... 642 45

Total..... \$4,925 50

Estimate for rebuilding Searles waste-weir.

Bailing and draining..... \$50 00

712 cubic yards excavation of earth, at 25 cents..... 178 00

156 " " " old masonry, at 80 cents, 124 80

300 " " embankment, at 30 cents..... 90 00

65 " " rubble masonry in mortar, at \$4.... 260 00

127 " " masonry and abutments, etc., at \$9.. 1,143 00

32 " " concrete, at \$5..... 160 00

5 " " coping, at \$10..... 50 00

2,000 feet B. M. white oak, at \$80..... 160 00

2,600 " " " pine, at \$20..... 52 00

13,500 " " hemlock timber, at \$16..... 216 00

1,500 pounds wrought iron work, at 10 cents..... 150 00

600 " " cast iron work, at 6 cents..... 36 00

500 " " spikes and nails, at 5 cents..... 25 00

\$2,694 80

Deduct materials on hand:

25 cubic yards stone, at \$3..... \$75 00

45 " " " at \$1.50..... 67 50

142 50

\$2,552 30

Contingencies, 15 per cent..... 382 85

Total..... \$2,935 15

Estimate for rebuilding Satterlee waste-weir.

Bailing and draining..... \$50 00

200 cubic yards excavated earth, at 30 cents..... 60 00

20 " " " rock, at \$1..... 20 00

50 " " " old masonry, at 80 cents... 40 00

150 " " embankment, at 40 cents..... 60 00

40 " " puddled earth, at 50 cents..... 20 00

72 cubic yards masonry in abutments, etc., at \$10...	\$720 00
5 " " coping, at \$12.....	60 00
1,400 feet B. M. white oak, at \$80.....	112 00
1,200 " " white pine, at \$30.....	36 00
600 " " hemlock, at \$20.....	12 00
500 pounds wrought-iron work, at 10 cents.....	50 00
500 " cast-iron work, at 6 cents.....	30 00
300 " spikes and nails, at 5 cents.....	15 00

\$1,285 00

Fifteen per cent for contingencies..... 192 75

Total... \$1,477 75

Estimate for rebuilding waste-weir near Whitehall.

Bailing and draining.....	\$50 00
408 cubic yards excavation of earth, at 25 cents.....	102 00
108 " " " old masonry, at 80 cents....	86 40
150 " " embankment, at 30 cents.....	45 00
20 " " puddled earth, at 50 cents.....	10 00
68 " " rubble masonry in mortar, at \$4.....	272 00
135 " " masonry in abutments, wings, etc., at \$9.....	1,215 00
5 " " coping, at \$10.....	50 00
1,750 feet B. M. white oak timber, at \$80.....	140 00
2,360 " " " pine timber, at \$20.....	47 20
11,500 " " hemlock timber, at \$16.....	184 00
1,500 pounds wrought-iron work, at 10 cents.....	150 00
600 " cast-iron work, at 6 cents.....	36 00
500 " spikes and nails, at 5 cents.....	25 00

\$2,412 60

Deduct material on hand :

75 cubic yards stone..... 150 60

\$2,262 00

Contingencies, 15 per cent..... 339 30

Total... \$2,601 30

Estimate for extending waste-weir at Coveville.

Bailing and draining.....	\$25 00
250 cubic yards excavation of earth, at 25 cents.....	62 50
40 " " " rock, at \$1.....	40 00
150 " " embankment, at 30 cents.....	45 00
120 " " excavation old masonry, at 80 cents....	96 00
30 " " puddled earth, at 50 cents.....	15 00

12 cubic yards loose stone, at \$1.....	\$12 00
23 " " rubble masonry in mortar, at \$4.....	92 00
140 " " masonry in abutments, wings, etc., at \$9,	1,260 00
6 " " coping, at \$10.....	60 00
1,370 feet B. M. white oak timber, at \$80.....	109 60
1,400 " " " pine timber, at \$20.....	28 00
2,200 " " hemlock timber, at \$16.....	35 20
1,500 pounds wrought-iron work, at 10 cents.....	150 00
600 " cast-iron work, at 6 cents.....	36 00
500 " spikes and nails, at 5 cents.....	25 00

\$2,091 30

Deduct material on hand :

22 cubic yards stone, at \$3.....	\$66 00
45 " " " at \$1.50.....	67 50
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	133 50

	\$1,957 80
Contingencies, 15 per cent.....	293 67

Total \$2,251 47

Estimate for rebuilding and extending waste-weir at Bemis Heights; also for constructing one berme abutment and widening the prism of the canal opposite said waste-weir.

Bailing and draining.....	\$100.00
2,600 cubic yards excavation of earth, at 25 cents.....	650 00
380 " " " rock, at \$1.....	380 00
114 " " " old masonry, at 80 cents..	91 20
200 " " embankment, at 30 cents.....	60 00
40 " " puddled earth, at 50 cents.....	20 00
25 " " rubble masonry in mortar, at \$4....	100 00
112 " " masonry in piers, abutments, etc., at \$10.....	1,120 00
85 " " masonry in bridge abutment, at \$6.50,	552 50
8 " " coping, at \$12.....	96 00
4,200 feet B. M. white oak timber, at \$80.....	336 00
3,800 " " " pine timber, at \$20.....	76 00
7,000 " " hemlock timber, at \$16.....	112 00
3,000 pounds wrought-iron work, at 10 cents.....	300 00
1,200 " cast-iron work, at 6 cents.....	72 00
500 " spikes and nails, at 5 cents.....	25 00

\$4,090 70

Deduct materials on hand :

35 cubic yards stone, at \$3.....	\$105 00
36 " " " at \$1.25.....	45 00
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	150 00

Contingencies, 15 per cent.....	\$591 11
Total	<u>\$4,531 81</u>

Summary.

Estimate for enlarging Slocum's aqueduct.....	\$3, 628 00
Estimate cost of extending Landers' culvert.....	664 93
Estimate cost of extending Mott's culvert.....	1, 443 25
Estimate for widening canal at lower change bridge, Fort Miller.....	1, 110 15
Estimate for widening canal at Daly's bend, Whitehall level.....	349 60
Estimate for enlarging canal at Coveville.....	4, 341 25
Estimate for completing Bullard's bend.....	11, 115 50
Estimate for improving portions of twelve-mile level..	6, 927 60
Estimate for constructing bridge abutments on section 1,	4, 479 19
Estimate for constructing bridge abutments on sections 1 and 2.....	6, 276 35
Estimate for constructing bridge abutments on section 3,	4, 925 50
Estimate for rebuilding Searle's waste-weir.....	2, 935 15
Estimate for rebuilding Satterlee's waste-weir.....	1, 477 75
Estimate for rebuilding waste-weir, near Whitehall....	2, 601 30
Estimate for extending waste-weir at Coveville.....	2, 251 47
Estimate for extending and rebuilding waste-weir at Bemis Heights, also widening the canal and con- structing one berme abutment.....	4, 531 81
Total	<u>\$59, 058 80</u>

Engineering Department.

Up to July 1st, this division was in charge of E. Sweet, Jr., division engineer, and of W. Scott Lasher, resident engineer.

From July 1st the division has been in charge of W. Scott Lasher, division engineer, and Henry Goold, resident engineer.

The force has been largely employed in making surveys and maps for the canal appraisers and attending their sessions as witnesses in nearly one hundred claims against the State; also making the necessary surveys and estimates asked for by the legislature for putting the Erie canal in a good and navigable condition.

The department has also complied with the requests made by the superintendent of public works in making surveys for appropriations of land and preparing plans of structures for ordinary repairs.

The principal work has been in preparing maps, plans and estimates for improving the Champlain canal.

The annexed table shows in detail the expenditures of this department incurred during the past fiscal year.

The following statement is summarized as follows:

Expended for ordinary repairs, October 1, 1879, to October 1, 1880, Erie canal.....	\$5, 678 55
Expended for ordinary repairs, October 1, 1879, to October 1, 1880, Champlain canal.....	1, 621 31
Expended for extraordinary repairs, October 1, 1879, to January 1, 1880, Champlain canal.....	549 00
Incidental expenses, October 1, 1879, to October 1, 1880,	1, 333 28
Total	<u>\$9, 182 14</u>

Respectfully submitted,
W. SCOTT LASHER,
Division Engineer.

TABLE.

SHOWING the number and compensation of engineers employed on the Eastern Division of the New York State canals, together with the incidental expenses from October 1, 1879, to September 30, 1880, inclusive.

ORDINARY REPAIRS, ERIE CANAL.

NAME.	Rank.	No. of Days.	Rate.	Amount.	Total.
E. Sweet, Jr.	Division Engineer.	Salary.	\$2,400 00	\$1,200 00	
E. Sweet, Jr.	Division Engineer.	Travel.	.....	204 54	
W. S. Lasher.	Division Engineer.	Salary.	2,400 00	400 00	
W. S. Lasher.	Division Engineer.	Travel.	.....	118 28	
W. S. Lasher.	Resident Engineer.	Salary.	2,000 00	999 99	
W. S. Lasher.	Resident Engineer.	Travel.	.....	200 41	
Henry Gould.	Resident Engineer.	Salary.	2,000 00	102 28	
Henry Gould.	Resident Engineer.	Travel.	.....	6 55	
Henry Gould.	Assist. Engin'r in charge	14	6 00	84 00	
Henry Gould.	Assist. Engin'r in charge	27	5 00	135 00	
John R. Kaley.	Assist. Engin'r in charge	1	5 00	5 00	
Henry C. Parsons.	Assist. Engin'r in charge	79	5 00	395 00	
Henry C. Parsons.	Leveler.	235	4 50	1,057 50	
Ned. A. Plummer.	Rodman.	26	3 50	91 00	
Geo. Dinsmore.	Rodman.	19	3 50	66 50	
E. E. Sweet.	Chainman.	236	2 50	590 00	
M. R. Green.	Chainman.	9	2 50	22 50	
					\$5,675 55

Incidental Expenses.

Stationery.....	\$104 65
Fuel.....	32 25
Light.....	4 25
Office rent.....	250 00
Postage and telegraph.....	84 35
Miscellaneous.....	857 78
	<u>1,333 28</u>
Total, Erie canal.....	<u>\$7,011 83</u>

TABLE — Continued.
ORDINARY REPAIRS, CHAMPLAIN CANAL.

NAME.	Rank.	Number of Days.	Rate.	Amount.	Total.
E. Sweet, Jr.	Division Engineer....	Salary.	\$2,400 00	\$600 00	
E. Sweet, Jr.	Division Engineer....	Travel.	.....	89 76	
W. S. Lasher.	Division Engineer....	Salary.	2,400 00	200 00	
W. S. Lasher.	Division Engineer....	Travel.	.....	32 60	
W. S. Lasher.	Resident Engineer....	Salary.	2,000 00	500 01	
W. S. Lasher.	Resident Engineer....	Travel.	.....	131 75	
Henry Goold.	Resident Engineer....	Salary.	2,000 00	51 14	
Henry Goold.	Resident Engineer....	Travel.	.....	16 05	
					\$1,621 31
EXTRAORDINARY REPAIRS.					
Henry Goold.	Assistant Engineer....	79	\$5 00	\$395 00	
Walter Myers	Rodman.....	44	3 50	154 00	
					549 00
Total, Champlain canal.....					\$2,170 31

List of benches showing elevation above canal bottom and above tide-water.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
1	On shelf at lower end of pier between locks at lock No. 1, marked ⊗, with chisel.....	.....	+ 9.486
2	Lower miter-sill, lock No. 1.....	+0.000	—7.443
3	The coping of lock No. 1.....	.....	.....
4	At station 53½, on tow-path abutment, Ferry street bridge on the north stone, lower course, marked ⊗, with chisel.....	“ 9.524	+17.240
5	At station 82½, on tow-path tower of suspension foot bridge, on projection of south cross-sill, marked ⊗ with knife.....	.....	.....
6	Lower miter-sill, lock No. 2 (at heel of S. W. gate, W. lock.).....	“ 0.000	“ 7.716
7	At station O, on coping of lock No. 2, between ends of anchor of S. W. gate of W. lock, marked ⊗—BM with chisel.....	{ +18.000 lower level “ 8.505 upper level }	{ “ 25.716
8	At station 39, on N. and tow-path parapet of culvert, marked ⊗—BN with chisel.....	+ 7.226	“ 24.437
9	At station 97½, on N. and tow-path parapet of culvert, marked ⊗—BM with chisel.....	“ 7.923	“ 25.134
10	At station 156, on S. E. corner of coping on retaining wall of bridge approach, marked ⊗ with chisel.....	“ 10.353	“ 27.564
11	At station 166, on N. E. corner tow-path parapet of culvert, marked O with chisel.....	“ 8.486	“ 25.697
12	At station 189 on coping of retaining wall at S. end of tow-path parapet of culvert, marked ⊗—BM with chisel.....	“ 8.066	“ 25.277
13	At station 217, on N. end of retaining wall to bridge approach, N. E. corner of coping, marked ⊗—BM with chisel.....	“ 10.406	“ 27.417

List of benches showing elevation -- Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
14	At station 243 $\frac{1}{2}$, N. E. corner N. wing of tow-path abutment on coping marked \otimes and on face of coping BM, with chisel.....	+ 14.574	+ 31.785
15	At station 269, on coping of lock on "lower side cut," at anchor of N. W. gate, marked \otimes -BM with chisel.....	" 8.584	" 25.795
16	At station 290, on tow-path abutment of arsenal bridge at N. angle of main wall, top of lower course, marked \otimes and (above) BM with chisel.....	" 11.566	" 28.777
17	At station 320, on tow-path abutment of Terry street bridge, S. E. corner of lower step of wing, marked \otimes with chisel and (on face of stone) BM.	" 11.563	" 28.774
18	At station 365 on coping of N. wall, north lock of upper side-cut, N. W. corner of W. stone, marked \otimes -BM with chisel.....	" 9.257	" 26.46
19	At station 398 $\frac{1}{2}$, on N. E. corner tow-path parapet of culvert, marked \otimes -BM with chisel.....	" 8.480	" 25.691
20	Lower mitre-sill of lock No. 3, at heel of S. W. gate of W. lock.....	" 0.000	" 17.211
21	On coping of lock No. 3, between ends of anchor S. W. gate of W. lock, marked \otimes -BM with chisel.....	{ + 20.260 lower level " 9.091 upper level	{ 37.471
22	Lower mitre-sill of lock No. 4 (at heel of S. W. gate W. lock).....	+ 0.000	" 28.380
23	On coping of lock No. 4, between ends of anchor S. W. gate, W. lock, marked \otimes -BM, with chisel.....	" 20.220 lower level	" 48.600
24	Lower mitre-sill, lock No. 5, at heel of S. E. gate, E. lock.....	" 8.840 upper level	" 39.760
25	On coping of lock No. 5, between ends of anchor S. E. gate, E. lock, marked \otimes -BM, with chisel.....	+ 0.000	" 59.340
26	Lower mitre-sill, lock No. 6, at heel of S. W. gate, W. lock.....	{ 19.630 lower level " 9.033 upper level	{ 50.357
27	On coping of lock No. 6, between ends of anchor S. W. gate, W. lock marked \otimes -BM, with chisel.....	+ 0.000 { " 19.000 lower level " 8.927 upper level	" 69.357

28	Lower mitre-sill, lock No. 7, at heel of S. E. gate, E. lock.....	+ 0.000	+ 60.430
29	On coping, lock No. 7, between ends of anchor, S. E. gate, E. lock, marked ⊗-BM, with chisel.....	{ +18.580 lower level " 8.649 upper level + 0.000	{ 79.010 " 70.361
30	Lower mitre-sill, lock No. 8, at heel of S. W. gate, W. lock.....	" + 0.000	" 89.246
31	On coping, lock No. 8, between ends of anchor, S. W. gate, W. lock, marked ⊗-BM, with chisel.....	{ " 18.885 lower level " 8.340 upper level + 0.000	{ " 80.906
32	Lower mitre-sill, lock No. 9, at heel of S. E. gate, E. lock.....	" + 0.000	" 99.406
33	On coping, lock No. 9, between ends of anchor, S. E. gate, E. lock, marked ⊗-BM, with chisel.....	{ " 18.500 lower level " 9.092 upper level + 0.000	{ " 90.314
34	Lower mitre-sill, lock No. 10, at heel of S. W. gate, W. lock.....	" + 0.000	" 109.314
35	On coping, lock No. 10, between ends of anchor S. W. gate, lock W. marked ⊗-BM, with chisel.....	{ " 19.000 lower level " 8.638 upper level + 0.000	{ " 100.576
36	Lower mitre-sill, lock No. 11, at heel of S. W. gate, W. lock.....	" + 0.000	" 119.326
37	On coping, lock No. 11, between ends of anchor S. W. gate, W. lock, marked ⊗-BM, with chisel.....	{ " 18.650 lower level " 9.029 upper level + 0.000	{ " 110.297
38	Lower mitre-sill, lock No. 12, at heel of S. W. gate, W. lock.....	" + 0.000	" 129.387
39	On coping, lock No. 12, between ends of anchor S. W. gate, W. lock, marked ⊗-BM, with chisel.....	{ " 19.090 lower level " 9.194 upper level + 0.000	{ " 120.193
40	Lower mitre-sill, lock No. 13, at heel of S. E. gate, E. lock.....	" + 0.000	" 139.29
41	On coping, lock No. 13, between ends of anchor, S. E. gate, E. lock, marked ⊗-BM, with chisel.....	{ " 19.100 lower level " 8.745 upper level 0.000	{ " 130.548
42	Lower mitre-sill, lock No. 14, at heel of S. E. gate, E. lock.....	" 0.000	" 149.248
43	On coping, lock No. 14, between ends of anchor, S. E. gate, E. lock, marked ⊗-BM, with chisel.....	{ " 18.700 lower level " 8.668 upper level + 0.000	{ " 140.580
44	Lower mitre-sill, lock No. 15, at heel of S. E. gate, E. lock.....	" + 0.000	" 159.380
45	On coping, lock No. 15, between ends of anchor, S. E. gate, E. lock, marked ⊗-BM, with chisel.....	{ " 18.800 lower level " 8.967 upper level + 0.000	{ " 150.413
46	Lower mitre-sill, lock No. 16, at heel of S. E. gate, E. lock.....	" + 0.000	" 150.413

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.		Elevation above T. W.	
47	On coping, lock No. 16, between ends of anchor, S. E. gate, E. lock, marked \otimes -BM, with chisel.	+ 18.920 lower level	+ 169.333		
48	Lower mitre-sill, lock No. 17, at heel of S. W. gate, W. lock.	" 8.875 upper level	" 150.458		
49	On coping, lock No. 17, between ends of anchor, S. W. gate, W. lock marked \otimes -BM, with chisel.	0.000	" 179.478		
50	Lower mitre-sill, lock No. 18, at heel of S. W. gate, W. lock.	" 19.020 lower level	" 170.745		
51	On coping, lock No. 18, between ends of anchor, S. W. gate, W. lock, marked \otimes -BM, with chisel.	" 8.733 upper level	" 189.785		
52	At station 18 $\frac{1}{2}$, on coping of south abutment of waste-weir on tow-path, marked \otimes -BM, with chisel.	0.000			
53	At station 57 $\frac{1}{2}$, on N. end berme abutment (wing) of bridge, marked \otimes -BM with chisel.	+ 9.035	" 190.029		
54	At station 128 $\frac{1}{2}$, S. E. corner coping, N. wing berme abutment of farm bridge, marked \otimes -BM, with chisel.	" 10.156	" 191.150		
55	At station 129 $\frac{1}{2}$, on N. end tow-path abutment of farm bridge, on projection of fifth stone from top at N. end of wing, marked \otimes and on stone above, BM, with chisel.	" 15.526	" 196.520		
57	At station 168 $\frac{1}{2}$, on top of coping of S. wing, at end, tow-path abutment of farm bridge, marked \otimes -BM, with chisel.	" 12.024	" 193.018		
58	At station 169 $\frac{1}{2}$, on top of coping of N. wing, at end, berme abutment of farm bridge, marked \otimes -BM, with chisel.	" 11.143	" 192.137		
59	At station 220 $\frac{1}{2}$, on top of coping, S. W. corner S. E. wing of aqueduct, marked \otimes -BM, with chisel.	" 11.461	" 192.455		
60	At station 238, on top of coping N. W. corner N. W. wing of aqueduct, marked \otimes -BM with chisel.	" 13.308	" 194.302		
		" 13.189	" 191.183		

61	At station 340, on projection on face of first stone under coping, east wing tow-path abutment, marked \otimes -BM with chisel.....	+11.552	+192.546
62	At station 340, at center of tow-path abutment on face of sixth course under coping, marked BM- \otimes with chisel.....	" 10.176	-191.170
64	At station 432 $\frac{1}{2}$, on projection on sixth course below coping, near center tow-path abutment, marked BM- \otimes with chisel.....	" 9.949	+190.943
65	At station 461, on rock at rear of tow-path, marked \otimes -BM.....	" 11.158	" 192.152
66	At station 512 $\frac{1}{2}$, on projection on sixth course below coping, near W. angle face of tow-path abutment (Clute's) road bridge, marked BM- \otimes with chisel.....	" 11.079	" 192.073
67	At station 521 $\frac{1}{2}$, of face of E. wing tow-path abutment of first bridge W. of Clute's dry-dock, end stone second course below coping, marked \otimes -BM with chisel.....	" 11.294	" 192.288
68	At station 543, on face of tow-path abutment, second bridge W. of Clute's dry-dock, sixth course below coping near E. angle, marked BM- \otimes with chisel.....	" 10.900	" 191.894
69	At station 568, on face tow-path abutment, third bridge W. of Clute's dry-dock, fifth course below coping near W. angle, marked BM- \otimes with chisel.....	" 10.959	" 191.953
70	At station 598 $\frac{1}{2}$, on face tow-path abutment, road bridge at Whitehead's dock, on sixth course below coping near center of abutment, marked BM- \otimes with chisel.....	" 9.529	" 190.523
71	At station 633 $\frac{1}{2}$, on face tow-path abutment of Farm bridge, near center on projection of footing course sixth below coping, marked BM- \otimes	" 8.163	" 189.157
72	At station 658 $\frac{1}{2}$, on face tow-path abutment of second bridge, E. of lock 19 on projection on fifth course below coping near E. angle, marked \otimes -BM with chisel.....	" 9.710	" 190.704
73	At station 693 $\frac{1}{2}$, on top of E. corner, first stone under coping, E. wing of		

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
	tow-path abutment of first bridge E. of lock 19, marked ⊗ (on top) BM (on face) with chisel.....	+11 753	+192.747
74	Lower mitre-sill, lock No. 19, at heel of N. E. gate of S. lock (pier wall),	" 0.000	" 180.994
75	On coping lock No. 19, near ends of anchor N. E. gate, S. lock (pier wall), marked ⊗—BM with chisel.....	{ +17.22 lower level " 8.779 upper level	{ 198 214
76	At station 70, on N. corner of coping, at end of W. wing of tow-path abutment, road bridge at Vischer's Ferry, marked (on top) ⊗ and (on face) ⊗—BM with chisel.....	+12.119	" 201.554
77	At station 140, on rock, cut on rock at rear of tow-path, marked BM ⊗ with chisel.....	" 10.713	" 200.148
79	Lower mitre-sill, lock No. 20, at heel of N. E. gate, N. lock.....	" 0.000	" 189.435
80	On coping, lock No. 20, at ends of anchor, N. E. gate N. lock, marked ⊗—BM with chisel.....	{ +18.660 lower level " 8.242 upper level	{ 208.095
81	At station 108½, above lock No. 20 on top of coping at E. end of wing berme abutment, road bridge at Fonda's basin, marked ⊗ and (on face) BM with chisel.....	+12.710	" 212.563
82	Lower mitre-sill, lock No. 21, at heel of S. E. gate, S. lock.....	" 0.000	" 199.853
83	On coping lock No. 21, at ends of anchor, S. E. gate, S. lock, marked ⊗—BM with chisel.....	{ +19.720 lower level " 8.594 upper level	{ 219.573
84	Lower mitre-sill, lock No. 22, at heel of N. E. gate, N. lock.....	+0.000	" 210.979
85	On coping, lock No. 22, near ends of anchor N. E. gate N. lock, marked ⊗—BM, with chisel.....	" 20.180 lower level " 8.571 upper level	" 231.159
86	At station 64, on N. E. corner of coping on end of tow-path wing, N. end of upper Mohawk aqueduct, marked ⊗ and on face of stone BM, with chisel.....	+ 9.418	" 232.006

87	At station 16, on top dowell in coping, near end of parapet, tow-path wing, south end of aqueduct ⊗, and on stone near it ⊗-BM, with chisel ...	+ 13.089	+ 235.677
88	At station 24 $\frac{1}{2}$, on north wing of berme abutment of first road bridge west of aqueduct, top of coping marked ⊗, and on face of stone BM, with chisel.	" 12.928	" 235.516
89	At station 143, on face of tow-path abutment, Vedder's bridge, projection on tower course near W. angle, marked ⊗, and on stone above BM, with chisel.	" 8.556	" 231.144
90	At station 161 $\frac{1}{2}$, on face of tow-path abutment of farm bridge near center projection of sixth course under coping, marked BM-⊗, with chisel.	" 10.673	" 233.261
91	Station 210, on face of tow-path abutment of R. R. bridge, on stone near W. end, about 2 $\frac{1}{2}$ in. above joint, marked BB-⊗, with chisel.	" 11.031	" 233.619
92	Station 230 $\frac{1}{2}$, on top of coping on end of W. wing berme abutment of road bridge, marked ⊗-BM (on top of coping), with chisel.	" 10.208	" 232.796
93	Station 264, on top of coping on end of E. wing of tow-path abutment of road bridge, marked ⊗, and on face of stone BM, with chisel.	" 11.783	" 234.371
94	Station 284, on top of coping on end of E. wing of berme abutment of Front street bridge, marked ⊗, and on face of stone BM, with chisel. ...	" 10.189	" 232.777
95	Station 311, on S. W. corner of coping of retaining wall E. of street bridge, marked ⊗, and on face of stone BM, with chisel.	" 13.695	" 236.283
96	Station 337, on third step from bottom at E. end of tow-path abutment, State street bridge, marked ⊗, and on end of step BM, with chisel.	" 12.014	" 234.602
97	Station 368 $\frac{1}{2}$, on top of coping, S. W. corner of parapet of waste-weir, marked ⊗, and (on face) BM, with chisel.	" 11.630	" 234.218
98	Station 504 $\frac{1}{2}$, near center of face of tow-path abutment of bridge at Navanier's Bay, on projection of sixth course below coping, marked ⊗, and on stone above BM, with chisel.	" 9.324	" 231.912
99	Lower mitre-sill of lock No. 23, at heel of N. E. gate N. lock.	" 0.000	" 222.588
100	On top of coping, lock No. 23, at end of anchor N. E. gate N. lock, marked ⊗-BM, with chisel.	+ 16.900 lower level	" 239.488
		" 8.582 upper level	

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
74	tow-path abutment of first bridge E. of lock 19, marked ⊗ (on top) BM (on face) with chisel..... a.	+11 753	+192.747
75	Lower mitre-sill, lock No. 19, at heel of N. E. gate of S. lock (pier wall), On coping lock No. 19, near ends of anchor N. E. gate, S. lock (pier wall), marked ⊗-BM with chisel.....	" 0.000 +17.22 lower level " 8.779 upper level	" 180.994 " 198.214
76	At station 70, on N. corner of coping, at end of W. wing of tow-path abutment, road bridge at Vischer's Ferry, marked (on top) ⊗ and (on face) ⊗-BM with chisel.....	+12.119	" 201.554
77	At station 140, on rock, cut on rock at rear of tow-path, marked BM ⊗ with chisel.....	" 10.713	" 200.148
79	Lower mitre-sill, lock No. 20, at heel of N. E. gate, N. lock.....	" 0.000	" 189.435
80	On coping, lock No. 20, at ends of anchor, N. E. gate N. lock, marked ⊗-BM with chisel.....	+18.660 lower level " 8.242 upper level	" 208.095
81	At station 108½, above lock No. 20 on top of coping at E. end of wing berme abutment, road bridge at Fonda's basin, marked ⊗ and (on face) BM with chisel.....	+12.710	" 212.563
82	Lower mitre-sill, lock No. 21, at heel of S. E. gate, S. lock.....	" 0.000	" 199.953
83	On coping lock No. 21, at ends of anchor, S. E. gate, S. lock, marked ⊗-BM with chisel.....	+19.720 lower level " 8.594 upper level	" 219.573
84	Lower mitre-sill, lock No. 22, at heel of N. E. gate, N. lock.....	+0.000	" 210.979
85	On coping, lock No. 22, near ends of anchor N. E. gate N. lock, marked ⊗-BM, with chisel.....	" 20.180 lower level " 8.571 upper level	" 231.159
86	At station 6½, on N. E. corner of coping on end of tow-path wing, N. end of upper Mohawk aqueduct, marked ⊗ and on face of stone BM, with chisel.....	+ 9.418	" 232.006

At station 10, on top dowell in coping, near end of parapet, tow-path wing, south end of aqueduct ⊗, and on stone near it ⊗-BM, with chisel	+ 13.089	+ 235.677
At station 24 $\frac{1}{2}$, on north wing of bernie abutment of first road bridge west of aqueduct, top of coping marked ⊗, and on face of stone BM, with chisel.	" 12.928	" 235.516
At station 143, on face of tow-path abutment, Vedder's bridge, projection on tower course near W. angle, marked ⊗, and on stone above BM, with chisel.	" 8.556	" 231.144
At station 161 $\frac{1}{2}$, on face of tow-path abutment of farm bridge near center projection of sixth course under coping, marked BM-⊗, with chisel....	" 10.673	" 233.261
Station 210, on face of tow-path abutment of R. R. bridge, on stone near W. end, about 2 $\frac{1}{2}$ in. above joint, marked BB-⊗, with chisel.....	" 11.031	" 233.619
Station 230 $\frac{1}{2}$, on top of coping on end of W. wing bernie abutment of road bridge, marked ⊗-BM (on top of coping), with chisel.....	" 10.208	" 232.796
Station 264, on top of coping on end of E. wing of tow-path abutment of road bridge, marked ⊗, and on face of stone BM, with chisel.....	" 11.783	" 234.371
Station 284, on top of coping on end of E. wing of bernie abutment of Front street bridge, marked ⊗, and on face of stone BM, with chisel....	" 10.189	" 232.777
Station 311, on S. W. corner of coping of retaining wall E. of street bridge, marked ⊗, and on face of stone BM, with chisel.....	" 13.695	" 236.283
Station 337, on third step from bottom at E. end of tow-path abutment, State street bridge, marked ⊗, and on end of step BM, with chisel.....	" 12.014	" 234.602
Station 365 $\frac{1}{2}$, on top of coping, S. W. corner of parapet of waste-weir, marked ⊗, and (on face) BM, with chisel.....	" 11.630	" 234.218
Station 504 $\frac{1}{2}$, near center of face of tow-path abutment of bridge at Navanier's Bay, on projection of sixth course below coping, marked ⊗, and on stone above BM, with chisel.....	" 9.324	" 231.912
Lower mitre-sill of lock No. 23, at heel of N. E. gate N. lock.....	" 0.000	" 222.588
On top of coping, lock No. 23, at end of anchor N. E. gate N. lock, marked ⊗-BM, with chisel.....	+ 16.900 lower level	" 239.488
	" 8.582 upper level	

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
101	Station 9, on face of tow-path abutment of farm bridge, near W. angle on projection of sixth course below coping, marked ⊗, and on stone above BM, with chisel.....	+9.115	+240.621
102	Lower mitre-sill of lock No. 24, at heel of N. E. gate, N. lock.....	" 0.000	" 230.906
103	On coping of lock No. 24, at end of anchor, N. E. gate, N. lock, marked ⊗—BM, with chisel.....	{ +16.860 lower level " 9.534 upper level	{ 247.766
104	Station 49½, on face of tow-path abutment of road bridge on projection on course below coping, marked ⊗, and on stone above BM, with chisel....	+12.402	" 250.634
105	Station 99½, on face of tow-path abutment of farm bridge, on projection on sixth course below coping, near E. angle, marked BM—⊗ (on the stone) with chisel.....	" 10.885	" 249.117
106	Station 113+88, on E. end of Flat Stone creek aqueduct, tow-path side abutment, 6 in. east of junction of wing and straight wall at foot of parapet, marked ⊗, and (on face of coping of parapet above it) BM, with chisel..	" 10.068	" 248.300
107	Station 181½, near center of face of tow-path abutment of road bridge, on projection of sixth course below coping, marked BM—⊗, with chisel..	" 12.237	" 250.469
108	Station 218, near W. angle face of tow-path abutment of farm bridge, on projection of seventh course below coping, marked ⊗, and on stone above BM, with chisel.....	" 11.462	" 249.694
109	Station 294½, at center of face of tow-path abutment, first bridge below lock No. 25, on projection of footing course (seventh below coping), marked ⊗, and on stone above BM, with chisel.....	" 9.740	" 247.972
110	Lower mitre-sill of lock No. 25, at heel of N. E. gate, N. lock, marked ⊗.	" 0.000	" 238.232
111	On coping of lock 25, at end of anchor, N. E. gate, N. lock, marked ⊗—BM, with chisel.....	{ +17.530 lower level " 8.949 upper level	{ 255.762

112	Station 40 $\frac{1}{2}$, on corner of coping, end of W. wing tow-path abutment of farm bridge, marked \otimes (on top) and BM (on face), with chisel.....	+ 11.531	+ 258.344
113	Station 74, on face tow-path abutment of farm bridge (near W. angle), on projection of fourth course below coping, marked \otimes , and on stone above BM, with chisel.....	" 12.321	" 259.134
114	Station 118, on coping, end of W. wing berme abutment of road bridge, marked \otimes -BM, with chisel.....	" 11.530	" 258.343
115	Station 171, on coping of parapet Sansai Kill aqueduct, at E. angle (junction of wing with straight wall), marked \otimes BM, with chisel.....	" 12.650	" 259.463
116	Station 253+80, on small granite boulder, rear of tow-path (is about fifty feet east of line of stone fence between orchard and corn-field on hill across canal), marked \otimes -BM, with chisel.....	" 8.386	" 255.199
117	Station 285 $\frac{1}{2}$, on flat white rock at N. angle of tow-path, opposite the middle of the hay, below lower end of rock bluff on berme, marked \otimes BM, with chisel.....	" 8.747	" 255.560
118	Station 347, on flat sand stone at rear tow-path and at west end of first course below Swarts' bridge, marked \otimes BM, with chisel.....	" 8.223	" 255.036
119	Station 360 $\frac{1}{2}$, on parapet of culvert (berme side) of N. W. corner of coping, marked \otimes BM, with chisel.....	" 1.240	" 248.053
120	Station 398 $\frac{1}{2}$, on top of stone under coping, on E. wing of tow-path abutment of Klein's bridge, marked \otimes (on face) and BM, with chisel.....	" 12.485	" 259.298
121	Station 460, on coping E. wing tow-path abutment of farm bridge, marked \otimes , and on face BM, with chisel.....	" 12.492	" 259.305
122	Lower mitre-sill, lock No. 26, at heel of N. E. gate, N. lock, marked \otimes BM, with chisel.....	" 0.000	" 246.813
123	On coping, lock No. 26, at end of anchor, N. E. gate, N. lock, marked \otimes -BM, with chisel.....	{ + 16.870 lower level " 8.505 upper level	" 263.683
124	Lower mitre-sill, lock No. 27, at heel of N. E. gate, N. lock.....	+ 0.000	" 255.178
125	On coping of lock No. 27, at end of anchor, N. E. gate, N. lock, marked \otimes -BM, with chisel.....	{ " 16.430 lower level " 8.544 upper level	" 271.608

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
126	Station 61½, on retaining wall over berme end of culvert, 5 in. west of center line, marked ⊗, with chisel.....	+ 3.379	+ 266.543
127	Station 96½, on tow-path end of culvert at top of sloping coping, E. corner of second stone from E. side, marked ⊗-BM, with chisel.....	" 2.109	" 265.273
128	Station 163½, on coping of waste-weir (near N.W. corner of top of E. wall, marked ⊗-BM, with chisel.....	" 8.723	" 271.887
129	Station 203½, on top of lower step at W. end tow-path abutment of street bridge (east bridge at Port Jackson), marked ⊗-BM, with chisel.....	" 16.281	" 279.445
130	Station 225½, on top of coping at center pier of Port Jackson creek culvert (T. P. side), marked ⊗, and (on slope) BM, with chisel.....	" 10.344	" 263.508
131	Lower mitre-sill, lock No. 28, at heel of S. E. gate, E. lock, marked ⊗BM,	" 0.000	" 263.164
132	On top of coping lock No. 28, at end of anchor, S. E. gate, S. lock, marked ⊗-BM, with chisel.....	+ 16.870 lower level " 9.147 upper level	" 250.034
133	Station 85½, at E. end of tow-path abutment, Farm bridge, on top of 3d stone above ground, marked ⊗, and (on face) BM, with chisel.....	+ 12.260	" 283.147
134	Station 138, on center face of tow-path abutment, Farm bridge, on projection of 6th stone below coping, marked ⊗-BM, with chisel.....	" 11.717	" 282.604
135	Lower mitre-sill, lock No. 29, at heel of N. E. gate, N. lock.....	" 0.000	" 270.887
136	On coping lock No. 29, at end of anchor, N. E. gate, N. lock, marked ⊗-BM, with chisel.....	+ 16.520 lower level " 9.121 upper level	" 287.407
137	Station 30 on face of tow-path abutment of Farm bridge, on projection of 4th stone below coping, near E. angle, marked ⊗-BM, with chisel.....	+ 12.491	" 290.777
138	Lower mitre-sill, lock No. 30, at heel of N. E. gate, N. lock.....	" 0.000	" 278.286
139	On coping, lock No. 30, at end of anchor, N. E. gate, N. lock, marked.....	+ 19.370 lower level " 9.157 upper level	" 297.656

140	Station 184, at foot of parapet, at end of W. wing, tow-path side of Scholharie creek aqueduct, marked \otimes , and on parapet above BM, with chisel,	+10.205	+298.704
142	Station 1234, top of lower step, W. wing, berme abutment of Farm bridge, marked \otimes , and BM (on end of stone), with chisel.....	" 13.411	" 301.910
143	Station 1524, on face of tow-path abutment, near E. angle on projection of 5th course below coping, marked \otimes , and (on stone above) BM, with chisel.....	" 11.899	" 300.398
144	Station 1814, on face of tow-path abutment of Farm bridge on projection of 6th course below coping, near W. angle, marked \otimes , and (on stone above) BM, with chisel.....	" 11.595	" 300.094
145	Station 2534, on face of tow-path abutment of Farm bridge, near E. angle, on projection of 5th course below coping, marked \otimes , and (on stone above) BM, with chisel.....	" 11.474	" 300.883
146	Station 281, on face of tow-path abutment of covered Road bridge, near west angle of projection of 4th stone below coping, marked \otimes , and (on stone above) BM, with chisel.....	" 12 070	" 300.569
147	Station 3064, top of lower step of W. wing, berme abutment of Farm bridge, marked \otimes -BM, with chisel.....	" 13.485	" 301.984
148	Station 3454, on top of lower step, E. wing, berme abutment of Farm bridge, marked \otimes with chisel.....	" 11.928	" 300.427
149	Station 394, on top of lower step, W. wing of berme abutment, marked \otimes , with chisel.....	" 11.331	" 299.880
150	Station 4824, on top of coping at end of E. wing of tow-path abutment of Farm Bridge, marked \otimes , and (on face of stone) BM, with chisel.....	" 12.717	" 301.216
151	Station 539, on face of tow-path abutment of Farm bridge, near E. angle, on projection of 4th course below coping, marked \otimes -BM, with chisel..	" 11.359	" 299.949
152	Station 613, on face of top stone, end of W. wing, tow-path abutment of Farm bridge on projection of stone, marked \otimes -BM, with chisel.....	" 11.896	" 300.395

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.		Elevation above T. W.
153	Station 664½, on top of coping at end of E. wing of Tokkon creek aqueduct, tow-path side, marked ⊗-BM, with chisel.....	+ 8.024		296.523
154	Station 737, on face of tow-path abutment of Farm bridge, near E. angle, on projection of 4th stone below coping, marked ⊗-BM, with chisel ..	" 10.856		" 299.355
155	Station 813½, on top of second stone below coping, at end of E. wing of berme abutment of Farm bridge at Yatesville, marked ⊗ and (on stone above) BM, with chisel.....	" 10.594		" 299.093
156	Station 846½, on top of coping, N. E. corner N. E. wing of Leonardson's Creek aqueduct, marked ⊗-BM, with chisel.....	" 8.122		" 296.621
157	Station 935, on top of coping of E. abutment of aqueduct, N. W. cor. (tow-path side) of main wall, marked ⊗-BM, with chisel.....	" 7.979		" 296.478
158	Station 1,079½, on top of lower step, W. wing berme abutment of Farm bridge, marked ⊗-BM, with chisel.....	" 12.336		" 300.835
•159	Lower mitre-sill of lock 31, at heel of N. E. gate, S. lock (on pier side)	" 0.000		" 288.499
160	On coping, lock 31, at end of anchor, N. E. gate S. lock (pier wall), marked ⊗-BM, with chisel.....	{ +14.760 lower level " 8.893 upper level		" 303.259
161	Station 17½, on face of tow-path abutment, Ferry Street bridge, on projection of fifth course below coping (near center, old bench), marked ⊗-BM, with chisel.....	+10.392		" 304.758
162	Station 49½, on face tow-path abutment of Farm bridge, projection on fifth course below coping, near W. angle, marked ⊗-BM, with chisel.....	" 11.325		" 305.691
163	Station 82½, on face of tow-path abutment of Farm bridge, projection of sixth course below coping, near center, marked BM-⊗, with chisel.....	" 9.990		" 304.356
164	Station 142½, on face of tow-path abutment of Farm bridge, on projection			

165	of seventh course below coping, near W. angle, marked \otimes -BM, with chisel.....	+ 8.824	+ 303.190
166	Station 205 $\frac{3}{4}$, on face tow-path abutment of farm bridge, on projection of fourth course under coping (near center), marked BM- \otimes	" 9.873	" 304.239
167	Station 252, on top of coping of parapet at N. E. wing of Plattkill aqueduct (N. E. corner of end stone), marked \otimes and on face BM, with chisel, Station 314, on top of coping at end of E. wing tow-path abutment of farm bridge, marked \otimes and (on face) BM, with chisel.....	" 13.194	" 307.560
168	Station 370 $\frac{1}{4}$, on rear upper corner of first stone under coping at end of W. wing, berme abutment of farm bridge, marked \otimes -BM, with chisel.....	" 12.412	" 306.778
169	Station 475 $\frac{1}{4}$, on tow-path abutment of farm bridge, near center of face of E. wing, projection on second stone above ground, marked BM- \otimes with chisel.....	" 11.150	" 305.516
170	Lower mitre-sill, lock No. 32 (at heel of N. E. gate, N. lock).....	" 10.689	" 305.055
171	On coping, lock 32, at end of anchor, N. E. gate, N. lock, marked \otimes -BM, with chisel.....	" 0.000	" 294.366
172	Station 27 $\frac{3}{4}$, on front corner, third step from bottom, on E. wing tow-path abutment Iron Street bridge, marked \otimes and (on end of stone) BM, with chisel.....	+17.110 lower level " 8.984 upper level	" 311.476
173	Station 60, on top coping at end of W. wing tow-path abutment, farm bridge, marked \otimes , and on face BM, with chisel.....	+11.905	" 314.399
174	Station 90, on face of tow-path abutment of farm bridge (near center) projection of sixth course below coping, marked \otimes and (on stone above) BM, with chisel.....	" 11.145	" 313.637
175	Station 122, on coping of parapet, tow-path end of culvert at center, marked BM- \otimes , with chisel.....	" 9.420	" 311.912
176	Station 314 $\frac{3}{4}$, on corner of coping, E. wing wall of culvert, marked \otimes -BM with chisel.....	" 4.461	" 306.953
		" 6.712	" 309.204

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
153	Station 664½, on top of coping at end of E. wing of Tokkon creek aqueduct, tow-path side, marked ⊗-BM, with chisel.....	+ 8.024	296.523
154	Station 737, on face of tow-path abutment of Farm bridge, near E. angle, on projection of 4th stone below coping, marked ⊗-BM, with chisel ..	" 10.856	" 299.355
155	Station 813½, on top of second stone below coping, at end of E. wing of berme abutment of Farm bridge at Yatesville, marked ⊗ and (on stone above) BM, with chisel.....	" 10.594	" 299.093
156	Station 846½, on top of coping, N. E. corner N. E. wing of Leonardson's Creek aqueduct, marked ⊗-BM, with chisel.....	" 8.122	" 296.621
157	Station 935, on top of coping of E. abutment of aqueduct, N. W. cor. (tow-path side) of main wall, marked ⊗-BM, with chisel.....	" 7.979	" 296.478
158	Station 1,079½, on top of lower step, W. wing berme abutment of Farm bridge, marked ⊗-BM, with chisel.....	" 12.336	" 300.835
•159	Lower mitre-sill of lock 31, at heel of N. E. gate, S. lock (on pier side)	" 0.000	" 288.499
160	On coping, lock 31, at end of anchor, N. E. gate S. lock (pier wall), marked ⊗-BM, with chisel.....	+14.760 lower level " 8.893 upper level	" 303.259
161	Station 17½, on face of tow-path abutment, Ferry Street bridge, on projection of fifth course below coping (near center, old bench), marked ⊗-BM, with chisel.....	+10.392	" 304.753
162	Station 49½, on face tow-path abutment of Farm bridge, projection on fifth course below coping, near W. angle, marked ⊗-BM, with chisel.....	" 11.325	" 305.691
163	Station 82½, on face of tow-path abutment of Farm bridge, projection of sixth course below coping, near center, marked BM-⊗, with chisel....	" 9.990	" 304.356
164	Station 142½, on face of tow-path abutment of Farm bridge, on projection		

165	of seventh course below coping, near W. angle, marked \otimes -BM, with chisel.....	+ 8.824	+ 303.190
166	Station 205 $\frac{1}{4}$, on face tow-path abutment of farm bridge, on projection of fourth course under coping (near center), marked BM- \otimes	" 9.873	" 304.239
167	Station 252, on top of coping of parapet at N. E. wing of Platkill aqueduct (N. E. corner of end stone), marked \otimes and on face BM, with chisel, Station 314, on top of coping at end of E. wing tow-path abutment of farm bridge, marked \otimes and (on face) BM, with chisel.....	" 13.194	" 307.560
168	Station 370 $\frac{1}{4}$, on rear upper corner of first stone under coping at end of W. wing, berme abutment of farm bridge, marked \otimes -BM, with chisel.....	" 12.412	" 306.778
169	Station 475 $\frac{1}{4}$, on tow-path abutment of farm bridge, near center of face of E. wing, projection on second stone above ground, marked BM- \otimes with chisel.....	" 11.150	" 305.516
170	Lower mitre-sill, lock No. 32 (at heel of N. E. gate, N. lock).....	" 10.689	" 305.055
171	On coping, lock 32, at end of anchor, N. E. gate, N. lock, marked \otimes -BM, with chisel.....	" 0.000	" 294.366
172	Station 27 $\frac{1}{4}$, on front corner, third step from bottom, on E. wing tow-path abutment Iron Street bridge, marked \otimes and (on end of stone) BM, with chisel.....	+ 17.110 lower level " 8.984 upper level	" 311.476
173	Station 60, on top coping at end of W. wing tow-path abutment, farm bridge, marked \otimes , and on face BM, with chisel.....	+ 11.905	" 314.399
174	Station 90, on face of tow-path abutment of farm bridge (near center) projection of sixth course below coping, marked \otimes and (on stone above) BM, with chisel.....	" 11.145	" 313.637
175	Station 122, on coping of parapet, tow-path end of culvert at center, marked BM- \otimes , with chisel.....	" 9.420	" 311.912
176	Station 314 $\frac{1}{4}$, on corner of coping, E. wing wall of culvert, marked \otimes -BM with chisel.....	" 4.461	" 306.953
		" 6.712	" 309.204

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
153	Station 664½, on top of coping at end of E. wing of Tokkon creek aqueduct, tow-path side, marked ⊗-BM, with chisel.....	+ 8.024	296.523
154	Station 737, on face of tow-path abutment of Farm bridge, near E. angle, on projection of 4th stone below coping, marked ⊗-BM, with chisel ..	" 10.856	" 299.355
155	Station 812½, on top of second stone below coping, at end of E. wing of berme abutment of Farm bridge at Yatesville, marked ⊗ and (on stone above) BM, with chisel.....	" 10.594	" 299.093
156	Station 846½, on top of coping, N. E. corner N. E. wing of Leonardson's Creek aqueduct, marked ⊗-BM, with chisel.....	" 8.122	" 296.621
157	Station 935, on top of coping of E. abutment of aqueduct, N. W. cor. (tow-path side) of main wall, marked ⊗-BM, with chisel.....	" 7.979	" 296.478
158	Station 1,079½, on top of lower step, W. wing berme abutment of Farm bridge, marked ⊗-BM, with chisel.....	" 12.336	" 300.835
•159	Lower mitre-sill of lock 31, at heel of N. E. gate, S. lock (on pier side)	" 0.000	" 288.499
160	On coping, lock 31, at end of anchor, N. E. gate S. lock (pier wall), marked ⊗-BM, with chisel.....	+14.760 lower level " 8.893 upper level	" 303.259
161	Station 17½, on face of tow-path abutment, Ferry Street bridge, on projection of fifth course below coping (near center, old bench), marked ⊗-BM, with chisel.....	+10.392	" 304.758
162	Station 49½, on face tow-path abutment of Farm bridge, projection on fifth course below coping, near W. angle, marked ⊗-BM, with chisel.....	" 11.325	" 305.691
163	Station 82½, on face of tow-path abutment of Farm bridge, projection of sixth course below coping, near center, marked BM-⊗, with chisel.....	" 9.990	" 304.356
164	Station 142½, on face of tow-path abutment of Farm bridge, on projection		

165	of seventh course below coping, near W. angle, marked \otimes -BM, with chisel.....	+ 8.824	+ 303.190
166	Station 205 $\frac{1}{4}$, on face tow-path abutment of farm bridge, on projection of fourth course under coping (near center), marked BM- \otimes	" 9.873	" 304.239
167	Station 252, on top of coping of parapet at N. E. wing of Plattkill aqueduct (N. E. corner of end stone), marked \otimes and on face BM, with chisel, Station 314, on top of coping at end of E. wing tow-path abutment of farm bridge, marked \otimes and (on face) BM, with chisel.....	" 13.194	" 307.560
168	Station 370 $\frac{1}{4}$, on rear upper corner of first stone under coping at end of W. wing, berme abutment of farm bridge, marked \otimes -BM, with chisel.....	" 12.412	" 306.778
169	Station 475 $\frac{1}{4}$, on tow-path abutment of farm bridge, near center of face of E. wing, projection on second stone above ground, marked BM- \otimes with chisel.....	" 11.150	" 305.516
170	Lower mitre-sill, lock No. 32 (at heel of N. E. gate, N. lock). Δ	" 10.689	" 305.055
171	On coping, lock 32, at end of anchor, N. E. gate, N. lock, marked \otimes -BM, with chisel.....	" 0.000	" 294.366
172	Station 27 $\frac{1}{4}$, on front corner, third step from bottom, on E. wing tow-path abutment Iron Street bridge, marked \otimes and (on end of stone) BM, with chisel.....	+ 17.110 lower level " 8.984 upper level	" 311.476
173	Station 60, on top coping at end of W. wing tow-path abutment, farm bridge, marked \otimes , and on face BM, with chisel.....	+ 11.905	" 314.399
174	Station 90, on face of tow-path abutment of farm bridge (near center) projection of sixth course below coping, marked \otimes and (on stone above) BM, with chisel.....	" 11.145	" 313.637
175	Station 122, on coping of parapet, tow-path end of culvert at center, marked BM- \otimes , with chisel.....	" 9.420	" 311.912
176	Station 314 $\frac{1}{4}$, on corner of coping, E. wing wall of culvert, marked \otimes -BM with chisel.....	" 4.461	" 306.953
		" 6.712	" 309.204

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
177	Station 337, on face of tow-path abutment of farm bridge, at W. angle projection on sixth course below coping, marked BM-⊗ with chisel....	+10.353	+312.845
178	Lower mitre-sill, lock No. 33 (at heel of N. E. gate, N. lock).....	" 0.000	" 302.492
179	On coping, lock No. 33, at end of anchor of N. E. gate, N. lock, marked ⊗-BM, with chisel.....	{ +14.770 lower level " 9.066 upper level }	" 317.262
180	Station 29½, on coping of tow-path parapet of culvert (near center), marked ⊗-BM, with chisel.....	+ 2.414	" 310.610
181	Station 65½, on lower step, E. wing tow-path abutment of road bridge, marked ⊗, and on face BM, with chisel.....	" 13.439	" 321.635
182	Station 175½, on face tow-path abutment of farm bridge near E. angle projection on fifth course below coping, marked ⊗-BM, with chisel.....	" 11.421	" 319.617
183	Lower mitre-sill, lock No. 34, at heel of N. E. gate, N. lock.....	" 0.000	" 308.196
184	On coping, lock No. 34, at end of anchor N. E. gate, N. lock, marked ⊗-BM, with chisel.....	{ " 17.080 lower level " 8.597 upper level }	" 325.453
185	Station 45½, on face of tow-path abutment of farm bridge near W. angle projection of seventh course below coping, marked BM—O, with chisel.	+ 8.774	" 325.453
186	Station 94, on face of tow-path abutment of road bridge (E. creek landing) near center projection of seventh course below coping, marked ⊗, and (on stone above) BM, with chisel.....	" 10.912	" 327.591
187	Station 174½, on face of tow-path abutment of farm bridge, near W. angle projection of seventh course below coping, marked ⊗, and (on stone above) BM, with chisel.....	" 9.829	" 325.508
188	Station 217½, on face of tow-path abutment of farm bridge, near center projection of seventh course below coping, marked ⊗-BM, with chisel...	" 9.619	" 326.298
189	Lower mitre-sill, lock No. 35, at heel of N. E. gate, N. lock.....	" 0.000	" 316.679

191	Station 35, at center of face, W. wing tow-path abutment, third course above ground, marked ⊗-BM, with chisel.	{ 16.850 lower level " 9.065 upper level	+ 333.529
192	Station 71, on top of coping E. wing berme abutment of farm bridge, marked ⊗-BM, with chisel.	+ 11.233	" 335.697
193	Station 216½, on top of coping E. wing tow-path abutment of farm bridge, marked ⊗, and (on face) BM, with chisel.	" 13.826	" 338.290
195	Lower mitre-sill of lock No. 36, at heel of N. E. gate, N. lock.	" 12.053	" 336.517
196	On top of coping, lock No. 36 (at E. end of hollow quoin stone), N. E. gate, N. lock, marked ⊗-BM, with chisel.	" 0.000	" 324.464
197	Lower mitre-sill of lock No. 37 (at heel of N. E. gate, N. lock).	" 18.780 lower level " 8.761 upper level	" 343.244
198	On coping, lock No. 37, at end of anchor N. E. gate, N. lock, marked ⊗-BM.	+ 0.000	" 334.483
199	Lower mitre-sill, lock No. 38, at heel of N. E. gate, N. lock.	" 18.790 lower level " 8.892 upper level	" 353.273
200	On coping, lock No. 38, at end of anchor N. E. gate, N. lock, marked.	+ 0.000	" 344.381
201	Lower mitre-sill, lock No. 39, at heel of N. E. gate, N. lock.	" 18.520 lower level " 9.787 upper level	" 362.901
202	On coping, lock No. 39, at end of anchor N. E. gate, N. lock, marked.	+ 0.000	" 353.114
203	Station 16½, on top of coping of parapet of waste-weir, marked ⊗, and on face BM, with chisel.	" 19.830 lower level " 9.306 upper level	" 372.944
204	Station 97½, on top of coping, end of E. wing tow-path abutment of farm bridge, marked ⊗, and on face BM, with chisel.	+ 12.751	" 376.389
205	Station 178½, on top of coping, at end of W. wing berme abutment of farm bridge, marked ⊗-BM, with chisel.	" 14.010	" 377.648
206	Lower mitre-sill, lock No. 40, at heel of N. E. gate, N. lock.	" 14.463	" 378.101
207	On top of coping, lock No. 40, at end of anchor N. E. gate, N. lock, marked.	" 0.000	" 363.638
		" 17.080 lower level " 8.556 upper level	" 380.718

List of benches showing elevation — Continued.

No.	DESCRIPTION.	Elevation above C. B.		Elevation above W.
208	Station 73½, on top of stone under coping at end of W. wing tow-path abutment of farm bridge, marked ⊗, and (at end of stone) BM, with chisel.	+ 12.357		+ 384.519
209	Station 125, on top of coping, end of W. wing tow-path abutment of bridge, marked ⊗—BM, with chisel.	" 12.802		" 384.964
210	Station 160½, on top of stone under coping, W. end of tow-path abutment of farm bridge (near corner), marked ⊗, and B.M (on end of stone), with chisel.	" 11.914		" 384.076
211	Lower mitre-sill of lock No. 41, at heel of N. E. gate, N. lock.	" 0.000		" 372.162
212	On coping, lock No. 41, at end of anchor N. E. gate, N. lock, marked ⊗—BM, with chisel.	+ 16.850 lower level	{	" 389.012
213	Station 30, on top of coping, end of E. wing tow-path abutment of farm bridge, marked ⊗—BM, with chisel.	" 8.564 upper level		
214	Station 109, on lower step, E. end of tow-path abutment of Herkimer road bridge, marked ⊗, with chisel.	+ 12.861		" 393.309
215	Station 180½, on footing course at E. end of tow-path abutment, street railroad bridge, marked ⊗, and on end of stone above BM, with chisel.	" 9.994		390.442
216	Lower mitre-sill, lock No. 42, at heel of N. E. gate, N. lock.	" 9.511		" 389.959
217	On coping, lock No. 42, at end of anchor, N. E. gate, N. lock, marked ⊗—BM, with chisel.	" 0.000		" 380.448
218	Lower mitre-sill, lock No. 43, at heel of N. E. gate, N. lock.	{ 16.670 lower level	{	397.118
219	On coping, lock No. 43, at end of anchor, N. E. gate, N. lock, marked ⊗—BM, with chisel.	" 8.716 upper level		" 388.402
220	Station 31, on top of coping at end of E. wing of tow-path abutment of farm bridge, marked ⊗—BM, with chisel.	{ 16.500 lower level	{	" 404.962
		" 8.431 upper level		
		+ 12.554		" 409.025

221	Station 67½, top of coping at end of E. wing tow-path abutment of bridge, marked ⊗-BM (on face), with chisel.....	+ 13.124	+ 409.595
223	Station 130, on top of coping of parapet of aqueduct at W. end, marked ⊗, and (on face) BM, with chisel.....	" 12.087	" 408.558
224	Station 150½, on top of coping, end of E. wing tow-path abutment of farm bridge, marked ⊗, and (on face) BM, with chisel.....	" 12.864	" 409.335
225	Station 185½, on lower step on E. end of tow-path abutment of road bridge, marked ⊗, and (on face) BM, with chisel.....	" 11.772	" 408.243
226	Lower mitre-sill, lock No. 44, at heel of N. E. gate, N. lock.....	" 0.000	" 396.471
227	On coping of lock No. 44, at end of anchor, N. E. gate, N. lock, marked ⊗-BM, with chisel.....	+ 19.970 lower level	" 416.441
228	Station 45½, at end of E. wing tow-path abutment of farm bridge on corner of 4th stone under coping, marked ⊗, and on stone above BM, with chisel.....	+ 11.808	" 419.016
229	Station 77½, on face of tow-path abutment of farm bridge, on projection of 5th course from top, marked ⊗, and (on stone above) BM, with chisel,	" 11.769	" 418.977
230	Lower mitre-sill, lock No. 45, at heel of N. E. gate, N. lock.....	" 0.000	" 407.208
231	On coping, lock No. 45, at end of anchor, N. E. gate, N. lock, marked ⊗-BM, with chisel.....	" 20.130 lower level	" 427.338
232	Station 32, on stone under coping, end of E. wing, berme abutment of farm bridge, marked ⊗-BM, with chisel.....	+ 11.534	" 429.934
233	Station 47½, at W. end of berme abutment of farm bridge, marked ⊗-BM, with chisel.....	" 11.573	" 429.973
234	Station 96½, on top of coping at end of W. wing berme abutment of farm bridge, marked ⊗-BM, with chisel.....	" 11.906	" 430.306
235	Station 139½, lower step, W. end of tow-path abutment of farm bridge, marked ⊗-BM at every station, with chisel.....	" 12.875	" 431.275
236	Station 187½, on lower step, W. end of tow-path abutment of farm bridge, marked ⊗, and (on face) BM, with chisel.....	" 12.734	" 431.134

List of benches showing elevation.— Continued.

No.	DESCRIPTION.	Elevation above C. B.	Elevation above T. W.
237	Station 218, on face of tow-path abutment near W. angle on projection of 6th course from top, marked BM — ⊗, with chisel.....	+ 11.847	+ 430.247
238	Station 296 $\frac{1}{4}$, on face of tow-path abutment of farm bridge on projection of 7th course from top near E. angle, marked ⊗-BM, with chisel.....	" 11.247	" 429.697
239	Station 328 $\frac{1}{4}$, on face of W. wing tow-path abutment of farm bridge near W. angle projection of 7th course below coping, marked ⊗-BM, with chisel.....	" 10.326	" 428.726
240	Station 364, on face of tow-path abutment of farm bridge, projection of 5th course below coping, marked ⊗-BM, with chisel.....	" 12.737	" 431.137
241	Station 387 $\frac{1}{4}$, top of lower step at end of W. wing tow-path abutment of farm bridge, marked ⊗, and (on face) BM, with chisel.....	" 13.307	" 431.707
243	Station 452, on top of coping of parapet, at end of E. wing tow-path side Ferguson creek aqueduct, marked ⊗-BM, with chisel.....	" 9.330	" 427.730
244	Station 495 $\frac{1}{4}$, on lower step, E. wing tow-path abutment of farm bridge, marked ⊗-BM, with chisel.....	" 11.898	" 430.298
....	Three chains west of Oneida county line (on middle division) on lower step of E. wing tow-path abutment of Green bridge, marked ⊗, and (on face) ⊗-BM at every station, with chisel.....	" 13.619	" 432.019
....	(Mitre-sill, lock 46) 418,400, survey of 1876.		
....	(Mitre-sill, lock 46) 416,960, former record.		
	1,440		

Locks — Erie Canal.

NUMBER.	DISTANCES.		Lift.
	Lock to Lock.	From Albany.	
1.....	.....	.....	15.159 feet
2.....	98 chains, 83 links	1.24 miles	9.495 "
3.....	419 " 16 "	6.48 "	11.169 "
4.....	25 " 17 "	6.80 "	11.380 "
5.....	21 " 90 "	7.07 "	10.597 "
6.....	16 " 52 "	7.28 "	10.073 "
7.....	10 " 61 "	7.41 "	9.931 "
8.....	12 " 86 "	7.57 "	10.545 "
9.....	26 " 53 "	7.90 "	9.408 "
10.....	14 " 58 "	8.08 "	10.362 "
11.....	12 " 91 "	8.24 "	9.621 "
12.....	11 " 66 "	8.39 "	9.896 "
13.....	16 " 5 "	8.59 "	10.345 "
14.....	17 " 9 "	8.80 "	10.032 "
15.....	21 " 53 "	9.07 "	9.833 "
16.....	15 " 20 "	9.26 "	10.045 "
17.....	25 " 39 "	9.58 "	10.287 "
18.....	15 " 44 "	9.77 "	10.249 "
19.....	708 " 42 "	18.63 "	8.441 "
20.....	219 " 29 "	21.37 "	10.418 "
21.....	257 " 90 "	24.59 "	11.126 "
22.....	14 " 1 "	24.77 "	11.609 "
23.....	553 " 43 "	31.69 "	8.318 "
24.....	63 " 7 "	32.47 "	7.326 "
25.....	303 " 87 "	36.27 "	8.581 "
26.....	510 " 59 "	42.66 "	8.365 "
27.....	16 " 8 "	42.86 "	7.886 "
28.....	417 " 16 "	48.07 "	7.723 "
29.....	157 " 20 "	50.04 "	7.399 "
30.....	50 " 60 "	50.67 "	10.213 "
31.....	1, 108 " 34 "	64.52 "	5.867 "
32.....	505 " 62 "	70.84 "	8.126 "
33.....	408 " 77 "	75.95 "	5.704 "
34.....	205 " 63 "	78.52 "	8.483 "
35.....	254 " 23 "	81.70 "	7.785 "
36.....	349 " 20 "	86.07 "	10.019 "
37.....	49 " 52 "	86.68 "	9.898 "
38.....	12 " 87 "	86.85 "	8.733 "
39.....	17 " 35 "	87.06 "	10.524 "
40.....	220 " 82 "	89.82 "	8.524 "
41.....	211 " 11 "	92.46 "	8.286 "
42.....	228 " 99 "	95.32 "	7.954 "
43.....	20 " 59 "	95.58 "	8.069 "

Locks — Erie Canal — Continued.

NUMBER.	DISTANCES.		Lift.
	Lock to Lock.	From Albany.	
44.....	216 chains, 16 links	98.28 miles	10.737 feet
45.....	98 " 62 "	99.52 "	11.172 "
45 to county line.	537 " 67 "	106.24 "	

Aqueducts — Erie Canal.

NUMBER.	Name.	Location.	Total Length.
1.....	Lower Mohawk.	W. Lock, 18	17 chains 23 links.
2.....	Upper Mohawk.	" " 22	9 " 25 "
3.....	Flat Stone Creek.	" " 24	1 " 13 "
4.....	Gansai Kill.	" " 25	1 " 55 "
5.....	Schoharie Creek.	" " 30	9 " 46 "
6.....	Tokkon Creek.	" " 30	1 " 53 "
7.....	Leonardson Creek.	" " 30	1 " 53 "
8.....	Leonardson Creek.	" " 30	1 " 13 "
9.....	Platt Kill.	" " 31	1 " 94 "
10.....	Bewman's Creek.	" " 31	1 " 94 "
11.....	Otsuago Creek.	" " 32	1 " 91 "
12.....	Castle Creek.	" " 35	1 " 94 "
13.....	Fulmer Creek.	" " 43	1 " 12 "
14.....	Aqueduct.	" " 43	" 74 "
15.....	Myers' Creek.	" " 45	" 74 "
16.....	Ferguson Creek.	" " 45	" 33 "

Waste-weirs — Erie Canal.

NUMBER.	Location.	Length of Spillway.
1.....	W. Lock 2	33 feet, less 10 posts, 1 "
2.....	" " 3	15 "
3.....	" " 9	14 " 6 inches.
4.....	" " 18	28 " 6 "
5.....	" " 20	17 "
6.....	" " 22	12 "
7.....	" " 27	12 "
8.....	" " 30	12 "

Waste-weirs — Erie Canal — Continued.

NUMBER.	Location.	Length of Spillway.
9.....	W. Lock 33	10 feet.
10.....	" " 35	13 " 6 inches.
11.....	" " 36	11 " 6 "
12.....	" " 39	10 "
13.....	" " 40	
14.....	" " 41	10 "
15.....	" " 42	

The following table gives the number and lengths of feeders, together with the quantity supplied from each upon the Eastern Division, Erie Canal.

NAMES OF FEEDERS.	Length.	Supply. Cu. ft. per minute.
Hohawk River, at Cohoes.....	.....	6, 570
Lexford Flats feeder.....	0.39	10, 979
Choharie Creek feeder.....	0.63	6, 800
Rocky Rift feeder.....	3.92	10, 602
Little Falls feeder.....	0.69	12, 643
Lion Creek feeder.....	.....	800

MIDDLE DIVISION

OF

NEW YORK STATE CANALS.

ANNUAL REPORT OF MARVIN PORTER, DIVISION
ENGINEER, FOR THE FISCAL YEAR ENDING SEP-
TEMBER 30, 1880.

HON. HORATIO SEYMOUR, Jr., *State Engineer and Surveyor* :

SIR— I have the honor to present my annual report upon the middle division of the State canals for the fiscal year ending September 30, 1880.

The lengths of the navigable canals, river improvements and feeders are as follows :

	Miles.
Erie canal, from east line of Oneida county to east line of Wayne county	97.02
Chenango canal, part not abandoned, Utica, to first culvert south of Hamilton	31.00
Black River canal, Rome to Lyon's Falls	35.33
Black River improvement, Lyon's Falls to Carthage	42.50
Oneida Lake canal to South Bay (Oneida Lake)	5.30
Oswego canal, Syracuse to Oswego	38.00
Seneca River towing-path, Mud Lock to Baldwinsville...	5.75
Baldwinsville side-cut.	0.75
Seneca River improvement, Baldwinsville to Jack's Reefs,	11.75
Oneida River improvement, Three River Point to Brew- erton, Oneida lake	20.00
Cayuga and Seneca canal, Montezuma to Cayuga and Seneca lakes	22.77
Ithaca inlet, at Ithaca	2.00

Navigable Feeders.

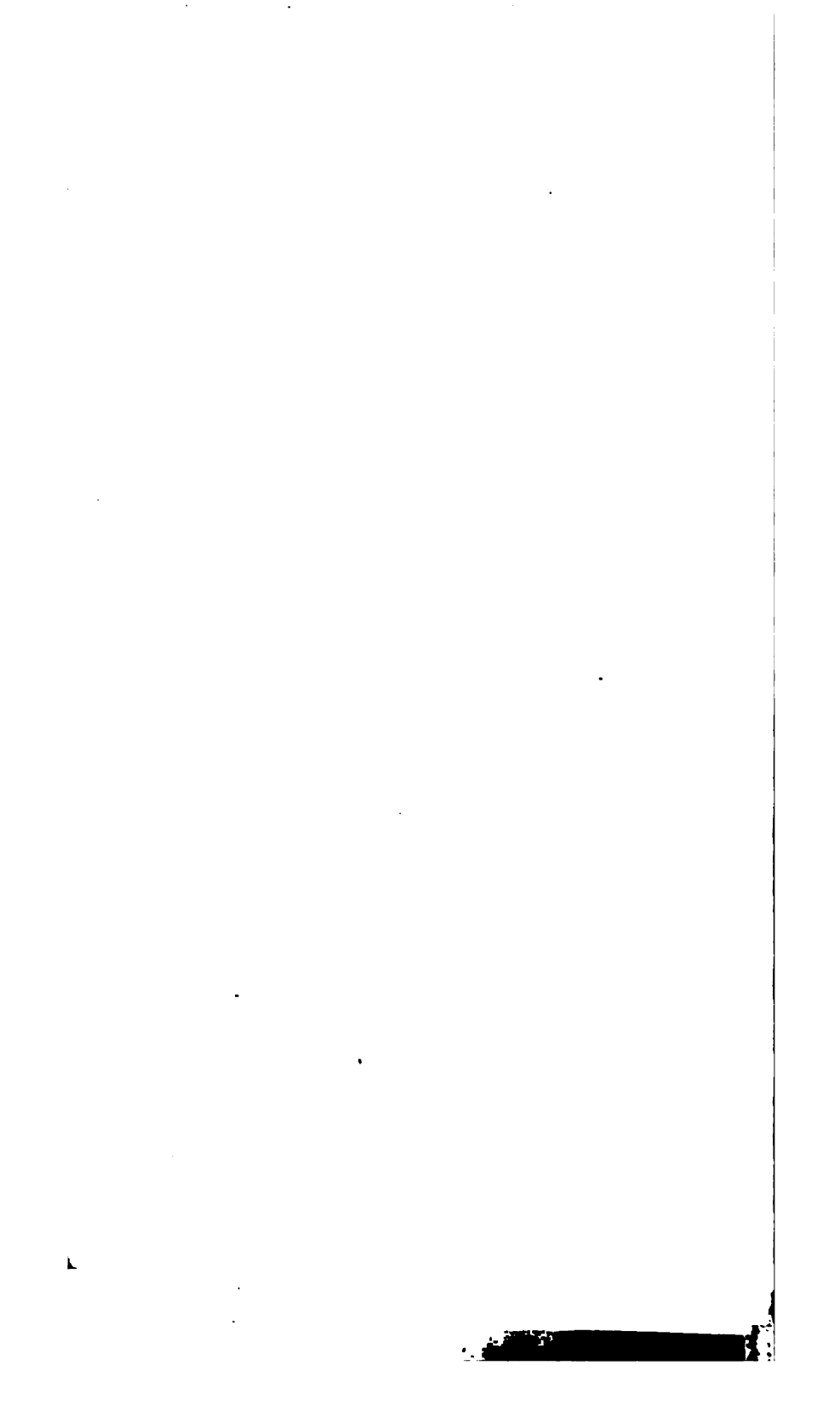
	Miles.
Limestone feeder, Erie canal to Fayetteville	0.80
Butternut feeder, Erie canal to feeder dam above Dunlap's mill	2.00
Camillus feeder, Erie canal to Camillus	1.00
Delta feeder, foot of lock 9, Black River canal to Delta	1.38
Black River feeder, Boonville to head of pond at Forest Port	12.09
	17.27
Total	329.44

N









LOCATION OF FEEDERS, *showing the points where the waters from the feeders are taken into the canal.*

Long Level, from Lock No. 46 to Lock No. 47.

NAME.	Distance from lock No. 46.	Distance between feeders.	Natural flow, cubic feet per minute.	From reservoirs, cubic feet per minute.
Chenango canal.....	$\frac{3}{4}$ miles.	8 miles.	1,000	6,000
Oriskany feeder.....	6 miles.			
Rome feeder.....	14 miles.			
Wood creek.....	15 miles.			
Oneida feeder.....	30 miles.	1 $\frac{1}{4}$ miles.	200	2,256 for 100 days.
Cowassalon feeder.....	31 $\frac{1}{4}$ miles.			
Chittenango feeder.....	41 $\frac{1}{4}$ miles.	10 miles.	500	7,000 for 100 days.
Pools brook.....	47 $\frac{1}{4}$ miles.			
Limestone feeder.....	50 miles.	2 miles.	500	2,000 for 60 days.
Butternut creek feeder....	52 miles.			

Butternut Creek feeder to lock No. 47 is $3\frac{257}{1000}$ miles.

Total length of long level is $55\frac{257}{1000}$ miles.

"Short level" and "Mile level" are fed from Long level.

"Syracuse level" and Oswego canal to Mud lock are fed from Long level and Jordan level.

Jordan Level, from Lock No. 50 to Lock No. 51.

NAME.	Distance from lock No. 50.	Distance between feeders.	Natural flow, cubic feet per minute.	From reservoirs, cubic feet per minute.
Camillus feeder.....	4 miles.	3 miles.	800	5,146 for 120 days.
Receiver.....	5 miles.			
Carpenter Brook feeder....	10 miles.		200	8,776 for 120 days.
Jordan feeder.....	13 miles.			

Jordan feeder to lock No. 51 is $1\frac{203}{1000}$ miles.

Total length of Jordan level, $14\frac{203}{1000}$ miles.

Port Byron Level, from Lock No. 51 to Lock No. 52.

NAME.	Distance from lock No. 51.	Distance between; feeders.	Natural flow, cubic feet per minute.	From reservoirs, ¹ cubic feet per minute. 3
	Miles.			
Putnam Brook feeder.....	3 36-100		200	
Centernort feeder.....	5			
Herrick's brook.....	5½			
Owasco feeder.....	7 10-100		4,033	2,000

Owasco feeder to lock No. 52 is 0.⁶²³₁₀₀₀ miles.

Total length of Port Byron level is 7.⁷²³₁₀₀₀ miles.

Montezuma level is fed from Port Byron level and Lake Erie.

It will be seen from the above table that the greatest distance between any two feeders is from Rome to Oneida, while no part of the canal on this division is so much affected by the westerly winds as this portion of the long level. These winds retard the flow of the water moving west from the feeder at Rome, making it difficult to maintain a uniform depth of water between Higginsville and Durhamville.

A remedy for this would be to construct a reservoir on the headwaters of the Cowassalon, as proposed in this report, which would secure a more uniform depth of water east and west of this feeder, and insure a supply on this part of the long level.

The Erie Canal east of Syracuse is supplied by the following feeders.

NAME OF FEEDER.	Quantity in cubic feet per minute.
Butternut creek feeder (natural flow for 220 days)....	500
Jamesville reservoir (for 60 days).....	2, 000
Limestone creek feeder (natural flow for 220 days)....	500
De Ruyter reservoir (for 100 days).....	7, 000
Chittenango creek feeder, Cazenovia Lake and Erie- ville, reservoir (for 100 days).....	2, 526
Cowassalon creek feeder (natural flow for 220 days)..<	200
Oneida creek feeder (natural flow for 220 days).....	1, 000
Rome feeder, including Black River reservoirs (for 220 days).....	13, 000
Oriskany creek feeder, including Madison County reservoirs (natural flow for 220 days).....	6, 000
Ilion feeder (natural flow for 220 days).....	800

Reducing these supplies to a common period of 220 days (the length of the ordinary navigation season), the total cubic feet per minute will be reduced to 26,876 cubic feet.

Another year an additional water supply through the Rome feeder will be made available for use during the dry season, by the improvements contemplated, or in progress, of the following named lakes :

White lake (700 cubic feet per minute for 60 days).

Canachagala lake (650 cubic feet per minute for 60 days).

Twin lakes (700 cubic feet per minute for 60 days).

Bisby lakes (500 cubic feet per minute for 60 days).

Total cubic feet per minute for 60 days, 2,550.

Spillways of Feeder Dams.

1. Oriskany creek dam, wood, 217 feet long.
2. Mohawk river at Rome, stone, 180 feet long.
3. Oneida feeder dam, wood, 89 feet long.
4. Cowassalon dam, wood, 80 feet long.
5. Chittenango dam, wood (stone abutments), 100 feet long.
6. Limestone creek dam, wood (stone abutments), 100 feet long.
7. Butternut creek dam, stone, 81 feet long.
8. Nine-mile creek dam, wood (stone abutments), 83 feet long.
9. Carpenter brook dam, wood (stone abutments), 60 feet long.
10. Skaneateles creek dam, wood (stone abutments), 60 feet long.
11. Owasco outlet dam, wood (wood abutments), 119 feet long.

Spillways of dams for turning streams north (to feed the Erie canal) that naturally flow to the south.

1. Eaton brook, wood (stone abutments), 60 feet long.
2. Bradley brook, stone (stone abutments), 60 feet long.
3. Kingsley brook, stone, 60 feet long.
4. Tioughneoga creek, stone, 80 feet long.

Spillways of reservoir dams.

Cazenovia, stone, 102½ feet.

Skaneateles, stone, 45½ feet.

Auburn, stone, 93 feet.

Otisco, stone, 40 feet.

TABLE showing the reservoirs on the Middle Division, the capacity of each, and the channels through which they are conveyed to the Canal.

Black River Group, located in Hamilton and Oneida counties.

No.	NAME OF RESERVOIR.	Average area Acres.	Depth, Feet.	Capacity, Cubic feet.	Channel through which the waters are conveyed to the canal.	Where brought into the canal.
1..	Woodhull.....	1,118	18	876,601,440	} Mohawk river and Black River canal.	Long level.
2..	Sand lake.....	306	15	199,940,400		
3..	North lake.....	277	26	337,851,360		
4..	South lake.....	372	26	421,312,320		
5..	Canachagala lake (approximate)...	320	4	55,756,800		
6..	Bisby lake, ".....	.....	3½	46,000,000	
7..	Twin lakes, ".....	175	8	60,984,000		
8..	White lake (with outlet lowered 1 ft.)	296	5	60,847,875		
9..	Forest Port pond.....	.....	..	.....

Hamilton group, located in Madison county.

1..	Madison brook.....	235	45	460,647,000	} Oriskany creek and feeder.	Long level.
2..	Lelands pond.....	173	8	59,287,040		
3..	Kingsley brook.....	113	20	98,445,600		
4..	Eaton brook.....	254	50	553,212,000		
5..	Bradley brook.....	134	25	143,926,000		
6..	Hatch lake.....	134	10	58,370,400		

Central group, located in Madison and Onondaga counties.

1..	Erieville	340	2½	318,423,600	} Chittenango creek and feeder.	Long level.
2..	Claznovia lake.....	1,778	4½	348,523,560		

3.. De Ruyter.....	626	18½	504,468,360	Limestone C'k & feeder	Long level.
4.. Jamesville.....	240	16	170,000,000	Butternut C'k & feeder	

Western group, located in Onondaga and Cayuga counties.

1.. Otisco lake.....	2,200	10	784,000,000	Nine-mile C'k & feeder	
2.. Skaneateles lake.....	8,320	6	2,174,512,200	Skaneateles C'k & f'der	Jordan level.
3.. Owasco lake.....	6,800	5	1,481,040,000	Owasco C'k and feeder	

Reservoirs.

The spillway of Woodhull has been raised two feet, which will add 97,400,160 cubic feet to the capacity of this reservoir.

The Sand Lake reservoir dam was repaired in August last, so as to hold the accumulated waters till wanted.

The discharge culverts of the North Branch reservoir are of wood, and partially decayed at the lower end. They should be repaired when the water is drawn down the next season. The gates were repaired in September of the present year.

The discharge culvert of South Branch reservoir is of wood. It was found to be much decayed, and after the water was drawn down in September last the lower end that was decayed was removed and built up new, so that it will be safe for the next two years.

Surveys of three other lakes were made for the purpose of constructing new reservoirs, to wit: The Canachagala lake, Twin lakes and White lake, and a dam has been built at the foot of the second Bisby. This adds four small reservoirs, which are now being completed, with a capacity of 217,588,695 cubic feet, which can be made available when the old reservoirs are exhausted.

Two other reservoirs can be constructed at a small cost, in the vicinity of the above, that would supply 100,000,000 cubic feet more, to wit: Little Woodhull and Chub lake, and a third could be constructed on Black creek, at a small expense, that would have a capacity of 60,000,000 cubic feet. From this it appears that an ample supply for the east end of the Long level, and that part of the canal between Utica and Little Falls, can be obtained at reasonable cost for a channel two feet deeper than the present canal.

The improvement of Woodman's pond is again recommended; its value as a feeder would much exceed its cost.

The reservoir discharge gates in Eaton and Kingsley brook have been repaired, so that all the discharge gates are in working order.

The spillway in the reservoir dam of the Kingsley brook leaks badly through the breast-wall, and should be repaired.

The ditch connecting Hatches lake and Bradley brook reservoir is so much filled by the sliding in of the sides as to obstruct the flow of water from the lake to the brook reservoir. This ditch should be cleaned out to make the waters of this lake available.

While the east end of the Long level, with the proposed improvements, will have an ample supply, there will be a lack in the middle of this level. This can be supplied by constructing a small reservoir on the Cowassalon, just south of the old turnpike, to be used in the dry season.

The improvements already made on the Erieville, De Ruyter and Jamesville reservoirs will give an ample supply to the west end of the Long level.

The Otisco reservoir dam should be raised two feet to give the supply needed in a dry time to the east end of the Jordan level. This improvement can be made (land damages included) for ten thousand dollars (\$10,000), and give an additional supply from this

source of 106,832,000 cubic feet, which would insure a sufficient depth of water on this level at all times.

If the State can control the Skaneateles lake reservoir, a better supply can be had from that source than is now obtained under the present management.

The Owasco lake reservoir seems to be a partnership concern, and though the State built half of the dam located above the city of Auburn, she has little or no authority to direct as to the times and seasons for drawing down this reservoir. The plan to meet and overcome this difficulty would be to build a small reservoir, either by raising the present dam at the head of the Port Byron feeder, or by selecting some favorable site just above this dam, if such can be found, and to build a reservoir of sufficient capacity for twenty-four hours' supply. This would be less expensive to the State than to purchase one-half interest in the Auburn dam, and overcome the difficulties now experienced in maintaining the west end of the Port Byron level.

Port Byron Feeder.

The feeder-pipe leading from the well-house at the north end of the Port Byron feeder, was constructed of thin boiler iron, too thin for the service required; consequently it shows signs of weakness and cannot last much longer. There are already three bad leaks that are difficult to stop without a thorough overhauling, which will be expensive. But as this is an important feeder, cost what it may, the work of repairing should be done the coming spring.

The best way to provide against accident in this case, would be to construct an open ditch from the well-house (following the line of the old canal, as much as possible) to the present canal.

This change would create a good water-power at the over-fall that would rent for a sum greater than the interest on the outlay, and this power could be used without detriment to the feeder.

TABLE showing the location of the structures on the Erie Canal, from the east line of Oneida County to the east line of Wayne County, with the distances between them, as follows:

No. of bridge.	Distances in chains and links.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of sidewalks.	Width of sidewalks.
FRANKFORT LEVEL, 3 ³⁵ / ₁₀₀ MILES.										
0...		East line of Oneida county								
1...	3.13	Green's Road bridge (Cooper's)	Iron		Iron	71 6-12	1	18		
2...	44.72	Stone culvert, three arches		Wood	Wood	80 11-12	2	13		
3...	7.97	Stone Factory bridge.		Iron	Iron	73 8-12	1	13		
3...	38.94	Clay culvert, three feet arch.	Iron		Iron	53 3-12	1	19 7-12	1	10
3...	30.55	Clay street bridge, Utica								
3...	36.75	Bridge over basin, berma side, Broad street, Utica	Iron		Iron	90 6-12	2	15 6-12	2	7 6-12
4...	11.32	Ballou creek bulkhead and spillway	Iron		Iron	73 9-12	1	17 8-12	2	7 4-12
4...	7.45	Broad street bridge, Utica								
5...		Catherine street bridge, Utica (Swart suspension)	Iron		Iron	81 4-12	1	21 6-12	2	13 5-12
6...	9.23	Pipe culvert								
6...	8.30	First street bridge, Utica	Iron		Iron	81 6-12	2	18 10-12	2	17 10-12
7...	1.83	John street bridge, Utica	Iron		Iron	78	1	19 6-12	1	2 9-12
8...	8.81	Weight lock	Iron		Iron	81 4-12	1	19 6-12	2	6 11-12
8...	3.10	Genesee street bridge, Utica	Iron		Iron	81 6-12	2	18 10-12	2	17 10-12
9...	3.28	Hotel street lift-bridge, Utica	Iron		Iron	78	1	19 6-12	2	6 11-12
10...	5.17	Seneca street bridge, Utica	Iron		Iron	73	1	18 1-12	2	6 9-12
11...	4.74	Washington street bridge, Utica	Iron		Iron	72	1	81 9-12	1	8 5-12
12...	10.97	Broadway foot-bridge, Utica	Iron		Wood	81 9-12				8 10-12
12...		Cornellia street foot-bridge, Utica								
12...		Pipe culvert at State street, Utica								
14...	12.62	Chonango canal Junction								
14...	8.25	Whitesboro street bridge, Utica (Slms)	Iron		Wood	86 11-12	2	16	2	8 7-12
15...	8.49	Midland R. R. swing-bridge, Utica	Iron		Iron	80 9-12				
15...	10.57	Breese street foot-bridge, Utica (suspension)								
...	4.75	Stone arch culvert at Nail creek 10 feet chord.								
...	1.00	Delaware, Lackawanna R. swing-bridge, Utica.								
...		Foot of lock 46								

TABLE showing location of the structures on the Erie Canal—Continued.

No. of bridge.	Distances in chains and links.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
38	10.85	George street bridge, Rome.	Iron.	Iron.	Wood.	72 3-12	1	16 6-12		
39	11.40	Jay street bridge, Rome (Sims).			Wood.	71 10-12	1	17 7-12		
40	14.00	Tow-path bridge over Wood creek.			Wood.				1	6
41	1.04	Private foot-bridge.		Wood.	Wood.	88 9-12	1	18		
42	28.75	Doxstator Avenue bridge (iron chords).		Wood.	Wood.	111 9-12	1	13		
43	21.00	Rome, W. and Ogdensburg Railroad bridge.		Wood.	Wood.	71	1	13		
44	6.30	Barnes' farm bridge.		Wood.	Wood.	71	1	13		
45	76.33	Composite culvert.		Wood.	Wood.					
46	15.98	Brinard's farm bridge.		Wood.	Wood.					
47	24.89	Fort Bull bulk-head and waste-weir (stone).		Wood.	Wood.					
48	15.20	Arch culvert, 4 foot chord.		Wood.	Wood.	71 8-12	1	13		
49	81.49	Arch culvert, 4 foot chord.		Wood.	Wood.	72	1	13		
50	17.90	Armstrong's farm bridge.		Wood.	Wood.	71 5-12	1	13 3-12		
51	21.45	Composite culvert.		Wood.	Wood.	89 2-12	1	19 2-12	2	6
52	30.16	Hewitt's road bridge.		Wood.	Wood.				1	3 4-12
53	27.94	Arch culvert, 12 foot chord.		Wood.	Wood.					
54	35.23	Seun's farm bridge.		Wood.	Wood.					
55	31.17	Arch culvert, 4 foot chord.		Wood.	Wood.					
56	16.80	Tuttle's road bridge (iron chord).		Wood.	Wood.					
57	28.19	Composite culvert, 4 feet opening.		Wood.	Wood.					
58	37.76	Main Street bridge, New London.	Iron.		Wood.					
59	2.13	Composite culvert, 4 feet opening.			Wood.					
60	28.95	Private foot-bridge.			Wood.					
61	24.49	Composite culvert, 4 feet opening.			Wood.					
62	10.83	Composite culvert, 4x4 feet opening.			Wood.					
63	9.23	Grove Spring road bridge.		Wood.	Wood.	53 6-12	1	13		
64	23.17	Private foot-bridge.		Wood.	Wood.					
65	19.74	Stacy's Basin road bridge.		Wood.	Wood.	74	1	13 3-12		
66	14.16	Private foot-bridge.		Wood.	Wood.					
67	26.09	Composite culvert and bulk-head.		Wood.	Wood.	71 8-12	1	13		
68	23.37	Happy Valley road bridge.		Wood.	Wood.					
69	27.35	Composite culvert, 3 openings.		Wood.	Wood.					
70	0.75	Waste-weir and bulk-head on berme side.		Wood.	Wood.					
71	47.04	Swing bridge over old Onondaga Lake canal.		Wood.	Wood.	21	1	16 4-12		
72	5.14	Higginsville east road bridge.		Wood.	Wood.	73 9-12	1	17		
73	27.68	Composite culvert, 3 feet openings.		Wood.	Wood.					
74	473.00	Higginsville west road bridge.	Iron.		Iron.	72	1	18 3-12		
75	21.19	Composite culvert, 4 feet opening.								
76	32.03	Composite culvert, 4 feet opening.								

59.	18.83	Dunbarton road bridge.....	Wood	Wood	71 7-12	1	18 1-12	.....
60.	12.88	Composite culvert, 4 feet, openings.....	Wood	Wood	71 5-12	1	16	.....
61.	23.88	Composite culvert, 3 feet openings.....	Wood	Wood	71 3-12	1	18	.....
62.	23.88	Durkee's road bridge.....	Wood	Wood	71 3-12	1	18	.....
63.	39.86	Composite culvert, 1 opening.....	Wood	Wood	71 3-12	1	18	.....
64.	7.53	State road bridge.....	Wood	Wood	71 3-12	1	18	.....
65.	27.38	Composite culverts, 2 openings, 3 feet each.....	Wood	Wood	71 3-12	1	18	.....
66.	3.24	Midland railroad bridge.....	Wood	Wood	71 3-12	1	18	.....
67.	53.59	Arch culvert, 4 feet chord.....	Wood	Wood	71 3-12	1	18	.....
68.	9.67	Brandy Brook arch culvert, 12 feet chord.....	Wood	Wood	71 3-12	1	18	.....
69.	23.81	Private suspension foot bridge.....	Wood	Wood	71 3-12	1	18	.....
70.	16.82	Durhamville East, road bridge.....	Wood	Wood	71 3-12	1	18	.....
71.	23.06	Arch culvert, 4 feet chord.....	Wood	Wood	71 3-12	1	18	.....
72.	4.76	Main Street bridge, Durhamville.....	Wood	Wood	71 3-12	1	18	.....
73.	8.13	Arch culvert, 2 spans, each 25 feet chord, bulk-head and spill-way, directly over the end of the arch culvert.....	Wood	Wood	71 3-12	1	18	.....
74.	7.69	Bennett's road bridge (iron chords).....	Wood	Wood	71 3-12	1	18	.....
75.	6.47	Onelda Creek feeder. The dam and bulk-head of this feeder is located 242 80-100 chains south of the canal.....	Wood	Wood	71 3-12	1	18	.....
76.	4.70	Swing bridge over Onelda Lake canal.....	Wood	Wood	71 3-12	1	18	.....
77.	2.00	Shollhammer's road bridge (iron chords). The north approach of this bridge is a wooden truss over highway.....	Wood	Wood	71 3-12	1	18	.....
78.	75.15	Covaseelon aqueduct, 2 spans, 20 feet each.....	Wood	Wood	71 3-12	1	18	.....
79.	48.51	Covaseelon feeder. The dam and bulk-head of this feeder is located 30 15-100 chains south of the canal.....	Wood	Wood	71 3-12	1	18	.....
80.	9.00	Lenox Basin road bridge.....	Wood	Wood	71 3-12	1	18	.....
81.	80.72	Composite culvert, 2 openings, 2½ feet each.....	Wood	Wood	71 3-12	1	18	.....
82.	83.15	Composite culvert, 1 opening.....	Wood	Wood	71 3-12	1	18	.....
83.	80.23	Poleborro Street bridge, Canastota.....	Wood	Wood	71 3-12	1	18	.....
84.	15.09	Arch culvert, 2 spans, each 8 feet chord.....	Wood	Wood	71 3-12	1	18	.....
85.	12.62	Main street bridge, Canastota.....	Wood	Wood	71 3-12	1	18	.....
86.	2.34	Composite culvert, 2½ feet opening.....	Wood	Wood	71 3-12	1	18	.....
87.	54.73	Beebe's road bridge (iron chord).....	Wood	Wood	71 3-12	1	18	.....
88.	70.24	Composite culvert, 3 openings, 3 feet each.....	Wood	Wood	71 3-12	1	18	.....
89.	25.63	Herrick's farm bridge (iron chords).....	Wood	Wood	71 3-12	1	18	.....
90.	13.39	New York Central and Hudson River Railroad bridge.....	Wood	Wood	71 3-12	1	18	.....
91.	10.57	Composite culvert, 3 openings.....	Wood	Wood	71 3-12	1	18	.....
92.	37.38	Fuller's road bridge.....	Wood	Wood	71 3-12	1	18	.....
93.	2.07	New Boston road bridge.....	Wood	Wood	71 3-12	1	18	.....
94.	67.21	Composite culvert over Canasara creek, 10 openings, 3½ feet each.....	Wood	Wood	71 3-12	1	18	.....
95.	50.12	Canasara road bridge.....	Wood	Wood	71 3-12	1	18	.....
96.	28.03	Chittenango road bridge.....	Wood	Wood	71 3-12	1	18	.....
97.	123.97	Chittenango feeder. The dam and bulk-head of this feeder is located 22 chains south of the canal.....	Wood	Wood	71 3-12	1	18	.....
98.	3.00	Chittenango aqueduct, 3 spans, 20 feet each.....	Wood	Wood	71 3-12	1	18	.....
99.	24.50	Arch culvert, 4 feet chord.....	Wood	Wood	71 3-12	1	18	.....
100.	17.38	Private foot bridge.....	Wood	Wood	71 3-12	1	18	.....
101.	38.27	Bolliver road bridge.....	Wood	Wood	71 3-12	1	18	.....
102.	11.01	.....	Wood	Wood	71 3-12	1	18	.....

SYRACUSE LEVEL, 5-000 MILES.

93	0.58	Orange street bridge, Syracuse.	Iron.	100	1	19 2-12	2	6 4-12
94	6.01	Grape street bridge, Syracuse.	Iron.	97 3-12	1	19 1-12	2	6 5-12
95	7.19	Mulberry street bridge, Syracuse.	Iron.	95	1	24 1-12	2	8 1-12
96	5.39	Weight-lock and culvert under the canal to empty said weight-lock.						
97	2.66	Tow-path bridge over the Oswego canal at the junction.	Iron.	86 6-12	1	12 9-12		
98	2.82	Tow-path bridge over the branch of the junction.	Iron.	86 6-12	1	12 9-12		
99	1.73	Warren street bridge (wrought iron).	Iron.	70	2	30 1-12	2	12 1-12
100	5.48	Foot-bridge on east side of Salina street.	Iron.	61 2-12			1	7
101	0.73	Salina street swing-bridge (wrought iron).	Iron.	90	1	19 2-12	2	7 2-12
102	5.01	Clinton street bridge.	Iron.	71 6-12	1	21 2-12	2	9 1-12
103	7.94	Franklin street foot bridge.	Iron.	78 5-12			1	
104	0.82	Northern railroad swing bridge.						
105	9.45	Onondaga creek arch culvert, 2 arches, 25 foot chord each.						
106	3.23	Waste-weir at Amos mill on berme side, spillway 100 feet.	Iron.	76	2	18 8-12	2	10 1-12
107	1.96	West street bridge.	Iron.	72 6-12	1	17		
108	12.90	State race leading to Salt Works.	Iron.					
109	36.69	Geddes street bridge.	Iron.					
110	14.96	Harbor brook arch culvert, 13 ft. chord.	Iron.					
111	1.89	New York Central & Hudson River Railroad bridge.	Iron.					
112	37.39	Genesee street bridge, Geddes.	Iron.	77	1	18 3-12	2	6 6-12
113	23.56	Bridge street bridge, Geddes.	Iron.	86 6-12	1	19 3-12	1	5 7-12
114	23.61	Salt Company's bridge (Main) Geddes.	Iron.	87 7-12	1	8 8-12		
115	4.22	Arch culvert, 8 feet chord.	Iron.					
116	35.92	Blast furnace road-bridge, Geddes.	Iron.	71 10-12	1	17		
117	14.94	Arch culvert, 8 feet chord.	Wood	71 2-12	1	18 8-12		
118	53.85	Gere's Landing bridge (iron chords).	Wood					
119	59.88	Double arch culvert, each arch 4 feet chord.						
120	10.91	To foot of lock 50.						
JORDAN LEVEL, 14-000 MILES.								
0		Lock 50, stone double lock 7 872-1000 feet lift westward.						
10	16.32	Gere's farm bridge.	Wood	72 4-12	1	12 9-12		
11	31.08	Arch culvert, 3 feet chord.	Iron	71 2-12	1	18 3-12		
12	36.83	Hellgate road bridge.	Iron.					
13	60.43	Arch culvert, 3 feet chord.	Iron.	71 9-12	1	18 3-12		
14	11.26	Amboy road bridge.						
15	71.30	Nine-mile creek aqueduct, four spans, 31 feet each.						
16	66.00	Arch culvert, 4 feet chord.						
17	27.36	Nine-mile creek feeder.						
18		The dam and bulk-head of this feeder is located 132 31-100 chains south of the canal and just above the village of Camillus.						
19	6.70	Camillus road bridge.	Wood	72	1	14 4-12		
20	68.15	Receiver on berme side.	Wood	72 5-12	1	13 2-12		
21	100.57	Newport road bridge.	Wood	72	1	19 6-12	2	6 6-12
22	205.39	Memphis road bridge (iron chord).						

SYRACUSE LEVEL, 5,000 MILES.

93	0.58	Orange street bridge, Syracuse	Iron		100	1	19 2-12	2	6 4-12
94	6.91	Grape street bridge, Syracuse	Iron		97 3-12	1	18 1-12	2	6 5-12
95	7.19	Mulberry street bridge, Syracuse	Iron		96	1	24 1-12	2	8 1-12
96	5.89	Wright lock and culvert under the canal to empty said weigh lock.							
97	2.66	Tow-path bridge over the Oswego canal at the junction.	Iron		98 6-12	1	19 9-12		
98	3.82	Tow-path bridge over the branch of the junction.	Iron		98 5-12	1	12 3-12		
99	1.73	Warren street bridge (wrought iron).	Iron		70 1-12	2	30 1-12		12 1-12
100	5.43	Foot-bridge on east side of Salina street.	Iron		91 2-12	1	19 2-12	2	7
101	0.73	Salina street swing-bridge (wrought iron).	Iron		90	1	21 2-12	2	7 2-12
102	5.01	Clinton street bridge.	Iron		71 6-12	1	21 2-12	2	9 1-12
103	7.84	Franklin street foot bridge.	Iron		78 5-12	1		1	
104	0.32	Northern railroad swing bridge.							
105	9.45	Onondaga creek arch culvert, 2 arches, 25 foot chord each.	Iron		76	2	18 8-12	2	10 1-12
106	3.23	Waste-weir at Amos mill on berme side, spillway 100 feet.	Iron		72 6-12	1	17		
107	1.96	West street bridge.	Iron						
108	12.90	State race leading to Salt Works.	Iron						
109	38.69	Geddes street bridge.	Iron						
110	1.89	Harbor brook arch culvert, 12 ft. chord.	Iron						
111	14.96	New York Central & Hudson River Railroad bridge.	Iron						
112	37.39	Genesee street bridge, Geddes.	Iron		77	1	18 3-12	2	6 6-12
113	23.56	Bridge street bridge, Geddes.	Iron		86 6-12	1	19 3-12	1	5 7-12
114	23.61	Salt Company's bridge (Main) Geddes.	Iron		87 7-12	1	8 8-12		
115	4.22	Arch culvert, 3 feet chord.	Iron		71 10-12	1	17		
116	14.94	Blast furnace road-bridge, Geddes.	Wood		71 2-12	1	18 8-12		
117	53.85	Arch culvert, 3 feet chord.	Wood						
118	53.85	Gere's Landing bridge (iron chords).	Wood						
119	58.88	Double arch culvert, each arch 4 feet chord.							
120	10.91	To foot of lock 50.							

JORDAN LEVEL, 14,000 MILES.

0		Look 50, stone double lock 7 872-1000 feet lift westward.							
10	16.32	Gere's farm bridge.	Wood		73 4-12	1	12 9-12		
11	31.03	Arch culvert, 3 feet chord.	Wood						
12	35.83	Ballale road bridge.	Iron		71 2-12	1	18 3-12		
13	60.43	Arch culvert, 3 feet chord.	Iron						
14	11.24	Amboy road bridge.	Iron		71 9-12	1	18 3-12		
15	71.30	Nine-mile creek aqueduct, four spans, 31 feet each.							
16	54.00	Arch culvert, 4 feet chord.							
17	27.36	Nine mile creek feeder.							
18		feeder is located 123-20 chains south of the canal and just above the village of Camillus.							
19	6.70	Camillus road bridge.	Wood		72	1	14 4-12		
20	68.15	Receiver on berme side.	Wood		72 5-12	1	18 2-12		
21	100.57	Newport road bridge.	Wood						
22	265.39	Memphis road bridge (iron chord).	Wood		72	2	19 6-12		6 6-12

TABLE showing the location of the structures on the Erie Canal — Continued.

No. of bridge.	Distances in chains and links.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of sidewalks.	Width of sidewalks.
116.	63.13-66.82 70.87	Composite culvert, 3 openings, 3 feet each. Peru road bridge (iron chord). Carpenter brook feeder. Dam and lock, 12 chains south of canal.	Wood	Wood	Wood	72 7-12	1	15 2-12		
117.	3.68	Shanty Point farm bridge.	Wood	Wood	Wood	71 10-12	1	14 2-12		
118.	1.80 1.82 54.44	Composite culvert, 3 openings, 4 feet each. Carpenter brook stone waste-weir and bulk-head. California road bridge (was taken down in 1879).	Wood	Wood	Wood					
119.	33.04 32.45 21.95	Composite culvert, 4 feet opening. Beaver street bridge, Jordan village. Jordan aqueduct, 4 spans, 30 feet each, and an arch culvert at west end of aqueduct for mill powers.	Wood	Wood	Wood	72 6-12	1	13 9-12		
120.	4.55	Shanestates feeder. The dam and bulk-head of this feeder is located 750-100 chains south of the canal, and in the village of Jordan.	Iron.	Wood	Iron	82 1-12 71 9-12	1 1	18 3-12 18 3-12	2	6 4-12
121.	2.18 14.82 44.75 32.43	Maine street bridge, Jordan (iron chords). Hamilton street bridge, Jordan (iron chords). Arch culvert, 6 feet chord. Foot of lock 61, double stone lock, 5 580-1,000 feet lift eastward.	Iron.	Wood	Wood					
0.		PORT BYRON LEVEL, 7 ²⁰³ / ₁₀₀₀ MILES.								
122.	14.66	Lock 51.								
123.	11.19 45.44	Composite culvert, 4½ feet openings. Cold Spring road bridge.	Wood	Wood	Wood	74 72 9-12	1 1	18½ 13 3-12		
124.	19.61 4.45	Fountainville road bridge. Arch culvert, 4 feet chord.	Wood	Wood	Wood	72 7-12	1	18 3-12		
125.	28.29 11.50	Feld's road bridge. Composite culvert, 4 feet openings.	Wood	Wood	Wood					
126.	35.83	Private foot-bridge (suspension).								
127.	30.05 30.38 4.78	Arch culvert, 4 feet chord. Putnam farm bridge. Young's farm bridge. Southern Central railroad bridge. Composite culvert, 4 feet opening.	Wood	Wood	Wood	72 7-12 72	1 1	12 8-12 14		

0.83	Putnam brook feeder.....									
0.93	Bulk-head on tow-path side.....									
17.35	Seneca street bridge, Weedsport.....	Iron....						1	19 4-12	
19.54	Box culvert (stone), 8x3 feet.....									
18.93	Foot bridge.....									
5.26	Brutus street bridge.....	Iron....						1	18 11-12	2
9.55	Suspension foot bridge.....									
22.44	Composite culvert, 4 feet opening.....									
33.48	Hamilton farm bridge.....	Wood....						1	12	
1.15	Centerport aqueduct, 3 spans, 20 feet each, stone abutment and pier.....									
54.95	Centerport feeder.....									
133.	Centerport road bridge.....	Iron....						1	19 6-12	2
43.70	Receiver on bermie side.....									
35.17	Composite culvert, 4 feet opening.....									
32.01	Composite culvert, 2 openings, 3 feet each.....									
4.02	Utica street bridge, Port Byron.....	Iron....						1	19 2-12	
9.46	Main street bridge, Port Byron.....	Iron....						1	19 6-12	2
3.01	Arch culvert, 4 feet chord.....									
14.84	Port Byron aqueduct, 4 spans, 21 feet each, stone abutment and piers.....									
2.97	Port Byron feeder. The dam and bulk-head of this feeder is located 170 chains south of the canal and south of the village of Port Byron; the water is conducted from the end of the open channel at the well house to the canal through an iron pipe 42 inches in diameter and 859 feet long.....									
5.74	Owason street bridge, Port Byron.....	Iron....						1	19 5-12	
17.94	Canal street bridge, Port Byron.....	Iron....						1	19 8-12	2
16.38	Arch culvert, 6 feet chord.....									
2.80	Lock 62, stone double lock, 11 417-1000 feet lift eastward.....									
MONTENZUMA LEVEL TO WAYNE COUNTY LINE, 9 2⁸/₁₀ MILES.										
61.96	Foot of lock 52.....									
148.30	Houghtaling road bridge.....	Iron....						1	19 8-12	
5.60	Composite culvert, 3x1 feet openings.....									
9.77	McLeod's road bridge.....	Iron....						1	19 2-12	
	Crane brook aqueduct, 3 spans, 20 feet each, stone abutments and piers.....									
9.02	Bucklin's farm bridge (old style).....	Wood....						1	12 4-12	
75.79	Arch culvert, 4 feet chord.....									
1.38	Spillway at Montezuma, 83 feet wide.....									
141.	Salt street road bridge, Montezuma.....	Iron....						1	19 1-12	
4.12	High street foot bridge (tubular).....	Iron....								1
0.23	Cayuga and Seneca canal junction.....									
2.40	Change bridge at junction.....	Wood....						1	12 8-12	
22.08	Arch culvert, 4 feet chord.....									
14.	Clark street bridge, Montezuma.....	Wood....						1	12-12	

Summary.

Total length of Erie canal on Middle division, $97\frac{22}{100}$ miles.

Ascending lockages, eastward, $44\frac{70}{100}$ feet.

Ascending lockages, westward, $10\frac{812}{1000}$ feet.

Frankfort level, above tide water, $425\frac{4}{10}$ feet.

Montezuma level, above tide water, $392\frac{70}{100}$ feet.

The structures are

Seven lift-locks.
 Twelve aqueducts.
 Twelve artificial feeders.
 Six natural feeders.
 Eleven feeder dams.
 Eight bulk-heads.
 Nine spillways.
 Seventy-nine culverts.
 Sixty-six iron bridges (road and farm).
 Fifty-two wood bridges (road and farm).
 Three wood change bridges.
 One iron change bridge.
 Three iron tow-path bridges.
 Four iron foot bridges.
 Fourteen wood foot bridges.
 Two wood swing bridges (tow-path).
 One iron swing bridge.
 One iron lift bridge.
 Eight iron railroad bridges.
 One railroad viaduct (stone arches).
 Two weigh-locks.

TABLE showing the length of the levels on the Oswego Canal and the structures on each in their order.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
	LEVEL No. 1, 137 $\frac{1}{10}$% CHAINS.								
	Commencing at the junction of the Erie and Oswego canals at Syracuse.								
1.	Change bridge connected with James street bridge.	Iron.		Iron.	74 6-12	1	10	2	12
2.	James street bridge, Syracuse.	Iron.		Iron.	74 8-12	2	20	3	10
3.	Willow street bridge, Syracuse.	Iron.		Iron.	76 6-12	2	18	2	12
4.	Salina street bridge, Syracuse.	Iron.		Iron.	106		20		
5.	Syracuse and Chenango Valley railroad swing-bridge.								
6.	Division street bridge, Salina.	Iron.		Iron.	74	1	19	2	6
7.	Wolf street bridge, Salina.	Iron.		Iron.	79 6-12	1	19	2	6
8.	Spillway No. 1, at Haskins Mill, 63 feet long.								
9.	Salina street bridge, Salina.	Iron.		Iron.	72	1	19	2	6
10.	Discharge for salt works.								
11.	Lock No. 1, stone, eleven feet lift southward								
	LEVEL No. 2, 11 $\frac{6}{10}$% CHAINS.								
12.	Covered sluice around locks No. 1 and 2, 430 feet long.								
13.	Park street bridge, Salina.	Iron.		Iron.	72	1	19	2	6
14.	Lock No. 2, stone, 11 feet lift southward.								
	LEVEL No. 3, 10 CHAINS.								
15.	Spillway No. 2, on berm side, feet long.								
16.	Lock No. 3, stone, 10 $\frac{1}{4}$ feet lift.								
	LEVEL No. 4, 433 $\frac{7}{10}$% CHAINS.								
17.	Lock No. 4, stone, on side-cut to salt works.								
18.	Free bridge over said side-cut.								
19.	Spillway No. 3, on main canal, feet long.								
20.	Road and change bridge.	Wood.	Wood.	Wood.	33	1	19		
21.	Side-cut to salt works.								
22.	N. Y. C. & H. R. railroad bridge.	Wood.	Wood.	Wood.	87 9-12	1	14 6-12		
23.	Spillway No. 4, stone, feet long.								
24.	Green Point bridge (iron chord).								
25.	Syracuse and Northern railroad bridge.	Wood.	Wood.	Wood.	75 6-12	1	18	(T. P.)	10

TABLE showing the length of the levels on the Oswego Canal and the structures on each in their order.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
	LEVEL No. 1, 137¹³/₁₀₀ CHAINS.								
	Commencing at the junction of the Erie and Oswego canals at Syracuse.								
1.	Change bridge connected with James street bridge.	Iron.		Iron.	74 6-12	1	10	2	12
2.	James street bridge, Syracuse.	Iron.		Iron.	74 8-12	2	20	3	10
3.	Willow street bridge, Syracuse.	Iron.		Iron.	76 6-12	2	18	2	12
4.	Salina street bridge, Syracuse.	Iron.		Iron.	106	2	20	2	12
5.	Syracuse and Chenango Valley railroad swing-bridge.								
6.	Division street bridge, Syracuse.	Iron.		Iron.	74	1	19	2	6
7.	Wolf street bridge, Salina.	Iron.		Iron.	79 6-12	1	19	2	6
8.	Spillway No. 1, at Hastings Mill, 65 feet long.	Iron.		Iron.	72	1	19	2	6
9.	Salina street bridge, Salina.								
10.	Discharge for salt works.								
11.	Lock No. 1, stone, eleven feet lift southward								
	LEVEL No. 2, 11²⁵/₁₀₀ CHAINS.								
	Covered sluice around locks No. 1 and 2, 430 feet long.								
12.	Park street bridge, Salina.	Iron.		Iron.	72	1	19	2	6
13.	Lock No. 2, stone, 11 feet lift southward.								
	LEVEL No. 3, 10 CHAINS.								
	Spillway No. 2, on berme side, feet long.								
14.	Lock No. 3, stone, 10 ¹ / ₂ feet lift.								
	LEVEL No. 4, 433¹⁸/₁₀₀ CHAINS.								
15.	Lock No. 4, stone, on side-cut to salt works.								
16.	Free bridge over said side-cut.								
17.	Spillway No. 3, on main canal, feet long.	Wood	Wood	Wood	83	1	19		
18.	Road and change bridge.	Wood	Wood	Wood	87 9-12	1	14 6-12		
19.	Side-cut to salt works.								
20.	N. Y. C. & H. R. railroad bridge.								
21.	Spillway No. 4, stone, feet long.								
22.	Green Point bridge (iron chord).								
23.	Syracuse and Northern railroad bridge.	Wood	Wood	Wood	75 6-12	1	18	(T. F.)	10

No.	Description	Material	Quantity	Remarks
10.	Stone culvert at Liverpool.	Wood	74	1
11.	Spillway No. 5, feet long.	Wood	74	1
12.	Liverpool road bridge.	Wood	74	1
13.	Culvert	Wood	74	1
14.	Change bridge, Whipple Pipe.	Wood	74	1
15.	Approach on east side of bridge No. 11.	Wood	74	1
16.	Outlet bridge.	Wood	74	1
17.	Butt-head just above lock No. 5, 16 feet long.	Wood	74	1
18.	Lock No. 5, 9 68-100 feet lift southward.	Wood	74	1
19.	LEVEL NO. 5, 1011, CHAINS.			
20.	Sluice No. 1, wood on tow-path side.	Wood	74	1
21.	Cold Spring bridge.	Wood	74	1
22.	Sluice No. 2, wood, on tow-path side.	Wood	74	1
23.	Sluice No. 3.	Wood	74	1
24.	Sluice No. 4.	Wood	74	1
25.	Sluice No. 5.	Wood	74	1
26.	Sluice No. 6.	Wood	74	1
27.	Sluice No. 7.	Wood	74	1
28.	Sluice No. 8.	Wood	74	1
29.	Sluice No. 9.	Wood	74	1
30.	Sluice No. 10.	Wood	74	1
31.	Sluice No. 11.	Wood	74	1
32.	Sluice No. 12.	Wood	74	1
33.	Belgium road bridge.	Wood	74	1
34.	Sluice No. 13, wood on tow-path side.	Wood	74	1
35.	Sluice No. 14.	Wood	74	1
36.	Sluice No. 15.	Wood	74	1
37.	Sluice No. 16.	Wood	74	1
38.	Sluice No. 17.	Wood	74	1
39.	Sluice No. 18.	Wood	74	1
40.	Sluice No. 19.	Wood	74	1
41.	Three River Point tow-path and road bridge, 6 spans, whole length of bridge 816 feet.	Wood	74	1
42.	Sluice No. 20, wood abutments, tow-path side.	Wood	74	1
43.	Sluice No. 21.	Wood	74	1
44.	Sluice No. 22.	Wood	74	1
45.	Sluice No. 23.	Wood	74	1
46.	Sluice No. 24.	Wood	74	1
47.	Sluice No. 25, stone	Wood	74	1
48.	Sluice No. 26.	Wood	74	1
49.	Sluice No. 27, wood	Wood	74	1
50.	Lock street bridge (iron chords) connected with river bridge at Phenix.	Wood	74	1
51.	Guard-lock No. 1, at Phenix (stone).	Wood	74	1
52.	Phenix dam, stone spillway, 440 feet long.	Wood	74	1
53.	Bridge street bridge, Phenix (iron chords).	Wood	74	1
54.	Change and road bridge.	Wood	74	1
55.	Change bridge at Hinmanville.	Wood	74	1

TABLE showing the length and structure of the levels on the Oswego Canal — Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
19.	Hinmanville road bridge (iron chord)		Wood	Wood	73	1	18		
	Lock No. 6, 7 feet lift southward								
	LEVEL No. 6, 188 ²⁰ / ₁₀₀ CHAINS.								
	Sluice No. 28, wood abutments, tow-path side								
	Sluice No. 29, " " "								
	Sluice No. 30, " " "								
	Sluice No. 31, " " "								
	Sluice No. 32, " " "								
	Sluice No. 33, " " "								
	Sluice No. 34, " " "								
	Guard-lock No. 2, stone								
	Spillway No. 6, on berme side								
	Lock No. 7, 5366-1000 feet lift, southward								
	LEVEL No. 7, 291 ²⁷ / ₁₀₀ CHAINS.								
	Sluice No. 35, wood abutments, tow-path side								
	Sluice No. 36, " " "								
	Sluice No. 37, " " "								
	Sluice No. 38, " " "								
	Sluice No. 39, " " "								
	Sluice No. 40, " " "								
	Sluice No. 41, " " "								
	Sluice No. 42, " " "								
	Sluice No. 43, " " "								
	Sluice No. 44, " " "								
	Sluice No. 45, " " "								
	Guard-lock No. 3, stone								
20.	South Fulton road bridge	Wood	Wood	Wood	73	1	18		
	Oswego Falls dam, stone spillway, 413 feet long								
	Spillway No. 7 on berme side								
21.	Broadway bridge, Fulton (road)	Iron		Iron	79	1	18	2	6
	Lock No. 8, 1125-100 feet lift, southward								

LEVEL No. 8, 45⁸⁰/₁₀₀ CHAINS.

LEVEL NO. 8, 45 ^{8.0} / ₁₀₀ CHAINS.				
Side-cut lock (Fulton Mills).				
Fulton dam, stone spillway, 503 feet long.				
First street bridge, Fulton.	Iron.	1	19	3
Onelda street bridge, Fulton.	Iron.	1	19	2
Spillway No. 8, at head of lock 9.	Wood.	77		
Lock No. 8, at head of lock 9.				
Lock No. 9, 75-100 feet lift, southward.				

LEVEL No. 9, 9⁷⁰/₁₀₀ CHAINS.

Lock No. 10, 9 feet lift, southward.....	.....	.....	.....
State shop .....	.....	.....	.....

LEVEL No. 10, 113 $\frac{35}{100}$ CHAINS.

				(T.P.)	
Foot bridge (private).....				18	ii
Aqueduct No. 1 (one span)....				1	
Road and change bridge.....	Iron		77	18	
Plank-road bridge.....	Iron		72	18	
Change bridge (iron chords)	Wood		72	16	
Look No. 11, 899-1,000 feet lift, southward					

LEVEL No. 11, 339¹⁰/₁₀₀ CHAINS.

Sluice No. 46, wood abutments, tow-path side.						
Sluice No. 47, " "						
Sluice No. 48, " "						
Sluice No. 49, " "						
Sluice No. 50, " "						
Sluice No. 51, " "						
Sluice No. 52, " "						
Sluice No. 53, " "						
Sluice No. 54, " "						
Sluice No. 55, " "						
Guard-lock No. 4 (Battle Island)						
Van Buren dam, stone spillway, 662 feet long.	Wood	74	1	12		
Change bridge	Wood	74	1	12		
Sluice No. 56, wood abutments, tow-path side						
Sluice No. 57, " "						
Sluice No. 58, " "						
Lock No. 12, 11 25-100 feet lift, southward.						

LEVEL No. 12, 59⁴⁰/₁₀₀ CHAINS.

Minneto dam, stone spillway, 445 feet long.	Iron..	74	1	18
Minneto road bridge.	Iron..			
Lock No. 13, 65-100 feet lift, southward				

TABLE showing the length and structure of the levels on the Oswego Canal — Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
	LEVEL No. 13, 91⁷⁰/₁₀₀ CHAINS.								
.....	Sluice No. 58, wood abutments, tow-path side								
.....	Sluice No. 60, " "								
.....	Sluice No. 61, stone " "								
.....	Lock No. 14, 925-100 feet lift, southward								
	LEVEL No. 14, 82²⁶/₁₀₀ CHAINS.								
.....	High dam, stone spillway, 388 feet long								
.....	Lock No. 16, 575-100 feet lift, southward								
	LEVEL No. 15, 31⁵²/₁₀₀ CHAINS.								
.....	Spillway No. 9, on berm side								
.....	Lock No. 18, 866-1,000 feet lift, southward								
	LEVEL No. 16, 100⁹⁶/₁₀₀ CHAINS.								
.....	Sluice No. 62, stone abutments, tow-path side								
.....	Oswego dam, stone spillway, 530 feet long								
.....	Guard-lock No. 5								
.....	Weight-lock								
.....	Bridge over the canal to the mills (iron chord)								
.....	Culvert from race to mills								
.....	Spillway No. 10								
.....	Lock No. 17, 1050-100 feet lift, southward								
.....	LEVEL No. 17, 20⁹⁵/₁₀₀ CHAINS.								
.....	Culvert								
.....	Main street bridge, Oswego								
.....	Railroad bridge								
.....	Lock No. 18, 925-100 feet lift, southward at high water, and 1833-100 feet lift, southward at low-water mark								
	LEVEL OF OSWEGO HARBOR AND LAKE ONTARIO.								
.....	River wall, on berm side, extends from lock No. 18 1180-100 chains to the north line of Bridge street, and 50 chains from Bridge street to mouth of harbor. State wharf is located on the berm side of lock 18.								

Summary.

Total length of Oswego canal, 38 miles.

Descending lockage from Syracuse to Oswego, 155.55 feet.

Level No. 1, at Syracuse, 400.70 feet above tide.

Level of Lake Ontario, 245.15 feet above tide.

The structures are

Eighteen lift-locks.	Ten spillways.
Five guard-locks.	Sixty-two sluices.
One side-lock at Fulton.	Ten bulk-heads.
Seven river dams.	Twelve iron bridges.
One aqueduct.	Nineteen wood bridges.
Three culverts.	One weigh-lock at Oswego.

Seneca river towing path.....	5 $\frac{75}{100}$	miles
Side-cut at Baldwinsville.....	0 $\frac{75}{100}$	"
River improvement from Baldwinsville to Jack's Reef.	11 $\frac{75}{100}$	"
Total.....	<u>18$\frac{25}{100}$</u>	"

River Level, 5 $\frac{75}{100}$ miles.

Tow-path bridge near Mud lock.

Wooden lock near Baldwinsville, ten feet lift, westward.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
SIDE-CUT LEVEL, 0.75 MILES.									
.....	Bridge at Flouring Mill (iron chord).....	.....	Wood ..	Wood ..	48 ..	1 ..	16 ..	.....	.....
.....	Bridge at Main street.....	Iron ..	.....	Iron ..	48 6-13 ..	1 ..	27 ..	2 ..	10 ..
.....	Guard lock (stone).....	.....	.....	.....	.....	.....	.....	.....	.....
.....	River dam, 385 feet long.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Bridge at Jack's Reef	Iron ..	.....	Iron ..	98 ..	1 ..	19 ..	.....	.....

Summary.

One tow-path bridge. One wooden lock. Three road bridges. One guard-lock. One dam.

Oneida River Improvement, from Three River Point to Brewerton, 20 Miles.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
THE STRUCTURES ARE:									
.....	1 tree dam at Oak Orchard.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1 steamboat lock at Oak Orchard and 120 feet long and 30 feet wide, 8 feet lift.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1 swing-bridge, 95 feet long, 45 feet opening.....	.....	Wood ..	Wood ..	45 ..	1 ..	13 6-12 ..	.....	.....
.....	1 crib and stone dam at Caughdenoy .....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1 steamboat lock at Caughdenoy, 120 feet long and 30 feet wide, 3 feet lift.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	1 swing-bridge over lock, 31 feet opening.....	.....	Wood ..	Wood ..	45 ..	1 ..	13 6-12 ..	.....	.....
.....	1 swing-bridge at Brewerton, 85 feet long, 45 feet opening, 14 feet wide .....	.....	Wood ..	Wood ..	45 ..	1 ..	14 ..	.....	.....

Summary.

Two dams. Two steamboat locks. Three swing-bridges.

TABLE showing the length of the levels on the Cayuga and Seneca Canal, from Geneva to the junction of the Erie Canal at Montezuma, and the structures on each in their order, including the Cayuga side-cut from Mud Lock to Cayuga bridge and Cayuga inlet.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadway.	Number of sidewalks.	Width of sidewalks.
SENECA LAKE LEVEL No. 1, 650 CHAINS.									
1...	Lake street bridge, Geneva.	Iron	Wood	Iron	73	2	18	2	7
2...	Two swing-bridges.	Iron		Iron	80	1	17		
3...	Evins street bridge, Geneva.	Iron		Iron	73	1	19		
4...	Tow-path bridge No. 1, 270 feet long.	Iron		Iron	74	1	17		
5...	Pre-emption road bridge (new)	Iron		Iron	83	1	18		
6...	Teals road bridge.	Iron							
7...	New Outlet bridge.								
8...	Geneva and Ithaca railroad bridge.								
9...	Waterloo dam, 215 feet long.	Iron		Iron	80	1	24		
10...	Locust street road and change bridge, Waterloo.	Iron		Iron	82	2	20	2	6
11...	Virginia street bridge, Waterloo.								
	Lock No. 1, 7 25-100 feet lift, westward.								
LEVEL No. 2, 13 CHAINS.									
8...	Bridge on Short level.	Iron		Iron	70	1	19	2	5
	Lock No. 2, 7 feet lift, westward.								
LEVEL No. 3, 258²/₁₀ CHAINS.									
9...	Tow-path bridge No. 2, 132 feet long.		Wood	Wood	74	1	16		
10...	Graham road bridge.								
11...	Tow-path bridge No. 3, 159 feet long.		Wood	Wood	74	1	16		
12...	Tow-path bridge No. 4, 167 feet long.								
13...	Kingdom road bridge.		Wood	Wood	74	1	16		
14...	Sodus Bay railroad bridge.								
15...	Bridge street bridge, Seneca Falls.	Iron		Iron	74	2	16	2	8 ¹ / ₂
16...	Seneca Falls stone dam, 180 feet long.								
17...	Spillway on tow-path side.								
18...	Lock No. 3, 10 feet lift, westward.								
LEVEL No. 4, 7 CHAINS LONG.									
19...	Tow-path bridge No. 5, 102 feet long.								
20...	Lock No. 4, 9 feet lift, westward.								

18.	" 8 "	Ransom's road bridge	Wood	74	1	16	
		Diving culvert No. 9					
		LEVEL No. 11, MONTEZUMA, 9 CHAINS LONG, TO JUNC-					
		TION WITH ERIE CANAL.					
		Lock No. 11, 3 feet lift, going east					
		CAYUGA BRANCH LEVEL, 153 $\frac{13}{100}$ CHAINS.					
		Lock No. 10, 10 feet lift, eastward					
		Swing-bridge over lock chamber.					
		CAYUGA LAKE LEVEL, 15 $\frac{13}{100}$ CHAINS LONG.					
		Tow-path bridge No. 8, 24 feet long					
		N. Y. C. and H. R. R. lift bridge.					
		Pier at Cayuga, 664 feet long					

Cayuga Inlet.

- 1 main pier, feet long, at Ithaca.
- 1 guard pier, feet long, at Ithaca.
- 1 light-house, at Ithaca.

Summary.

Total length of canal, 23 miles.

Descending lockages from Geneva to Cayuga outlet, $63\frac{48}{100}$ feet.

Ascending lockages from outlet to Erie canal at Montezuma, 13 feet.

Level No. 1, at Geneva, 441 feet above tide-water.

Level No. 9, at Cayuga outlet, 378 feet above tide-water.

Level No. 11, same as Erie canal at Montezuma, $392\frac{074}{1000}$ feet above tide-water.

The Structures are :

- 11 lift-locks.
- 5 spillways.
- 4 dams.
- 9 culverts.
- 11 iron bridges.
- 7 wood bridges.
- 8 tow-path stringer bridges.
- 3 swing bridges.
- 2 piers at Geneva.
- 1 pier at Cayuga.
- 2 piers at Ithaca.
- 1 light-house at Ithaca.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadway.	Width of roadway.	Number of sidewalks.	Width of sidewalks.
1...	LEVEL No. 1, 6 ⁵⁰ / ₁₀₀ CHAINS. Whitesboro street bridge, Rome (stone abutments)...	Iron...		Iron...	72	1	13	1	8
2...	LEVEL No. 2, 16 ⁵⁷ / ₁₀₀ CHAINS. Look No. 1, 10 feet lift, northward. Dominick street bridge, Rome (stone abutments)...	Iron		Iron...	56	2	13 8-12	2	6 4-12
3...	LEVEL No. 3, 14 ⁴ / ₁₀₀ CHAINS. Look No. 2, 10 feet lift, northward. Stanwix street bridge, Rome (stone abutments)...	Iron...		Iron...	51	1	19 4-12	2	6 6-12
4...	LEVEL No. 4, 32 ¹⁴ / ₁₀₀ CHAINS. Look No. 3, 10 feet lift, northward. Thomas street bridge, Rome (stone abutments and iron chords)...		Wood	Wood	50 6-12	1	14	1	6
5...	LEVEL No. 5, 52 ⁵⁸ / ₁₀₀ CHAINS. Look No. 4, 10 feet lift, northward. Huntington farm bridge (on bents, iron chords)...		Wood	Wood	53	1	13		
6...	LEVEL No. 6, 55 ¹⁰ / ₁₀₀ CHAINS. Look No. 5, 10 feet lift, northward. Dunham farm bridge (stone abutments on tow-path side and bents on berme side)...		Wood	Wood	53	1	13		
7...	LEVEL No. 7, 229 ⁴³ / ₁₀₀ CHAINS. Look No. 6, 10 feet lift, northward. Water-works bridge (on bents)...		Wood	Wood	53	1	13		
8...	Farm bridge (on bents)...		Wood	Wood	53	1	13		
9...	Farm bridge " "...		Wood	Wood	53	1	13		
10...	Farm bridge " "...		Wood	Wood	53	1	13		
	Culvert No. 1 (arch)...								
	Spillway No. 1 (near culvert)...								

TABLE showing the length of the levels on the Black River canal, and the structures on each in their order —
Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
11....	Farm bridge (on bents)		Wood	Wood	53	1	13		
12....	Road bridge, near river crossing (on bents)		Wood	Wood	52	1	14		
	LEVEL No. 8, 38 $\frac{3}{10}$ CHAINS.								
	Lock No. 7, 10 feet lift, northward								
	LEVEL No. 9, 10 $\frac{84}{100}$ CHAINS.								
	Lock No. 8, 11 feet lift, northward								
	Aqueduct No. 1, over Black river stone abutments and wood trunk spans, 40 feet; each pier 5 feet wide. Delta feeder is taken into the canal 75 miles north of aqueduct								
	LEVEL No. 10, 11 $\frac{14}{100}$ CHAINS.								
	Lock No. 9, 12 feet lift, northward								
	LEVEL No. 11, 12 $\frac{48}{100}$ CHAINS.								
13....	Lock No. 10, 11 feet lift, northward		Wood	Wood	53	1	14		
	Change and road bridge (on bents)								
	LEVEL No. 12, 8 $\frac{32}{100}$ CHAINS.								
	Lock No. 11, 11 feet lift, northward								
	LEVEL No. 13, 36 $\frac{86}{100}$ CHAINS.								
14....	Lock No. 12, 11 feet lift, northward		Wood	Wood	53	1	14		
	Road bridge (stone abutments)								
	LEVEL No. 14, 168 $\frac{30}{100}$ CHAINS.								
	Lock No. 13, 8 feet lift, northward								
	Spillway No. 2								
15....	Farm bridge (stone abutments; iron chords)		Wood	Wood	53	1	13		
16....	Farm bridge (on bents)		Wood	Wood	53	1	13		
17....	Farm bridge (on bents)		Wood	Wood	53	1	13		

18...	Road bridge at Westernville (stone abutments).	Wood	Wood	51	1	14	14
19...	Road bridge (on bents).	Wood	Wood	52	1	14	14
	LEVEL No. 15, 10 $\frac{80}{100}$ CHAINS.						
	Lock No. 14, 8 feet lift, northward.						
	LEVEL No. 16, 12 $\frac{80}{100}$ CHAINS.						
	Lock No. 15, 8 feet lift, northward.						
	LEVEL No. 17, 120 $\frac{13}{100}$ CHAINS.						
20...	Lock No. 16, 10 feet lift, northward.	Wood	Wood	50	1	16	16
21...	Westernville road bridge (stone abutments and iron chords).	Wood	Wood	52	1	13	13
22...	Farm bridge (on bents).	Wood	Wood	52	1	13	13
23...	Farm bridge (on bents).						
24...	LEVEL No. 18, 46 $\frac{26}{100}$ CHAINS.						
	Lock No. 17, 8 feet lift, northward.						
	Aqueduct No. 2, (Willis creek) stone abutments and piers, wood trunk, 6 spans, 18 feet, each pier 5 feet wide.						
23...	Waldo farm bridge (on bents).	Wood	Wood	52	1	13	13
24...	Farm bridge (on bents).	Wood	Wood	52	1	13	13
	LEVEL No. 19, 19 $\frac{94}{100}$ CHAINS.						
25...	Lock No. 18, 10 feet lift, northward.	Wood	Wood	52	1	13	13
	Farm bridge (on bents).						
	LEVEL No. 20, 12 $\frac{25}{100}$ CHAINS.						
	Lock No. 19, 8 feet lift, northward.						
	LEVEL No. 21, 11 $\frac{83}{100}$ CHAINS.						
	Lock No. 20, 10 feet lift, northward.						
	LEVEL No. 22, 44 $\frac{28}{100}$ CHAINS.						
26...	Lock No. 21, 10 feet lift, northward.	Wood	Wood	53	1	14	14
27...	Old plank road bridge (stone abutment).	Wood	Wood	52	1	14	14
	Road bridge (stone abutments on tow-path side and bents on berme side).						
	LEVEL No. 23, 69 $\frac{20}{100}$ CHAINS.						
	Lock No. 22, 10 feet lift, northward.						
	Aqueduct No. 3 (Springer's creek), stone abutments and piers, wood trunk, 4 spans, 18 feet each, piers 5 feet wide.						
28...	Side Hill road bridge, stone abutments.	Wood	Wood	53	1	14	14

[illegible]

TABLE showing the length of the levels on the Black River Canal and the structures on each in their order — Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
	LEVEL No. 63 — (continued.)								
36	Black river railroad bridge.		Wood	Wood	52	1	13		
37	Owen farm bridge (on bents).								
37	Strinker bridge on tow-path.								
38	Turnpike bridge, Boonville (stone abutments).	Iron	Wood	Iron	52	1	13		
	Black river feeder bridge (stone abutments).			Wood	60	1	13		
	Spillway No. 7, tow-path side (stone abutments).								
	Lock No. 71, 10 feet lift, southward.								
	LEVEL No. 64, 39 $\frac{3}{10}$ CHAINS.								
39	Main street bridge, Boonville	Iron		Iron	54	1	13	2	4 6-12
	Culvert No. 5, arch, 10 feet chord.								
	Lock No. 72, 10 feet lift, southward.								
	LEVEL No. 65, 55 $\frac{84}{100}$ CHAINS.								
	Culvert No. 6, arch.								
40	Farm bridge (on bents).		Wood	Wood	52	1	13		
41	Farm bridge (on bents).		Wood	Wood	52	1	13		
	Lock No. 73, 10 feet lift, southward.								
	LEVEL No. 66, 11 $\frac{55}{100}$ CHAINS.								
	Lock No. 74, 10 feet lift, southward.								
	LEVEL No. 67, 55 $\frac{86}{100}$ CHAINS.								
42	Carpenter farm bridge (on bents).		Wood	Wood	52	1	13		
	Lock No. 75, 10 feet lift, southward.								
	LEVEL No. 68, 16 $\frac{39}{100}$ CHAINS.								
	Locks Nos. 76, 77, 78 and 79, each 10 feet lift, southward.								
	LEVEL No. 69, 40 $\frac{81}{100}$ CHAINS.								
43	Phelps' farm bridge (on bents).		Wood	Wood	52	1	13		
	Lock No. 80, 9 feet lift, southward.								

...	LEVEL No. 70, 16 $\frac{1}{10}$ CHAINS.								
...	Locks Nos. 81, 82, 83 and 84, each 9 feet lift, southward.								
...	LEVEL No. 71, 45 $\frac{97}{100}$ CHAINS.								
...	Aqueduct No. 5 (Sugar river), stone abutments and piers, wood trunks, 3 spans, 40 feet each, pier 5 feet 11 inches wide.								
44.	Road bridge.	Iron.					1	14	
...	Lock No. 86, 10 feet lift, southward.								
45.	Farm bridge (on bents).	Wood.					1	13	
...	Lock No. 88, 11 $\frac{1}{2}$ feet lift, southward.								
...	LEVEL No. 73, 19 $\frac{19}{100}$ CHAINS.								
...	Locks Nos. 87, 88, 89, 90, each 10 feet lift, southward.								
...	LEVEL No. 74, 13 $\frac{18}{100}$ CHAINS.								
46.	Farm bridge (on bents).	Wood.					1	13	
...	Lock No. 91, 10 feet lift, southward.								
...	LEVEL No. 75, 108 $\frac{83}{100}$ CHAINS.								
47.	Farm bridge (on bents).	Wood.					1	13	
48.	Farm bridge (on bents).	Wood.					1	13	
49.	Farm bridge (on bents).	Wood.					1	13	
...	Lock No. 92, 10 feet lift, southward.								
...	LEVEL No. 76, 36 $\frac{2}{100}$ CHAINS.								
50.	Farm bridge (on bents).	Wood.					1	13	
51.	Farm bridge (on bents).	Wood.					1	13	
...	Lock No. 93, 10 feet lift, southward.								
...	LEVEL No. 77, 28 $\frac{69}{100}$ CHAINS.								
52.	Farm bridge (on bents).	Wood.					1	13	
...	Lock No. 94, 10 feet lift, southward.								
...	LEVEL No. 78, 96 $\frac{96}{100}$ CHAINS.								
...	Bulk-head and spillway No. 7 (stone abutment).								
...	Culvert No. 7, arch.								
53.	Farm bridge (on bents).	Wood.					1	13	
54.	Farm bridge (on bents).	Wood.					1	13	
55.	Main street bridge (Port Leyden).	Iron.					1	19	5 6-13

TABLE showing the length of the levels on the Black River Canal and the structures on each in their order —
Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
56	LEVEL No. 78—Continued. Second street bridge (on culverts) Gere's crossing, to his iron works, private Culvert No. 8, box Lock No. 96, 10 feet lift, southward	Swing	Wood	Wood	64	1	17		
	LEVEL No. 79, 27 $\frac{2}{10}$ CHAINS. Culvert No. 9, arch Lock No. 96, 10 feet lift, southward								
	LEVEL No. 80, 14 $\frac{3}{10}$ CHAINS. Lock No. 97, 10 feet lift, southward								
	LEVEL No. 81, 18 $\frac{2}{10}$ CHAINS. Culvert No. 10, arch Change bridge (stone abutments) Lock No. 98, 10 feet lift, southward		Wood	Wood	53	1	14		
57	LEVEL No. 82, 39 $\frac{2}{10}$ CHAINS. Road bridge (stone abutments). Locks Nos. 99 and 100, each 10 feet lift, southward Lock No. 101, 10 $\frac{1}{2}$ feet lift, southward		Wood	Wood	53	1	14		
58	LEVEL No. 83, 11 $\frac{1}{10}$ CHAINS. Farm bridge (on bents). Lock No. 102, 10 $\frac{1}{2}$ feet lift, southward		Wood	Wood	53	1	13		
59	LEVEL No. 84, 82 $\frac{3}{10}$ CHAINS. This is the river level above Lyons Falls dam towing-path, follows the west bank for a distance of 44 17-100 chains to the side-cut around		Wood	Wood	53	1	13		

TABLE showing the length of the levels on the Black River canal, and the structures on each in their order —
Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of sidewalks.	Width of sidewalks.
11....	Farm bridge (on bents)		Wood	Wood	52	1	13		
12....	Road bridge, near river crossing (on bents).		Wood	Wood	52	1	14		
	LEVEL No. 8, $38\frac{3}{10}$ CHAINS.								
	Lock No. 7, 10 feet lift, northward								
	LEVEL No. 9, $10\frac{3}{10}$ CHAINS.								
	Lock No. 8, 11 feet lift, northward								
	Aqueduct No. 1, over Black river stone abutments and wood trunk, 4 spans, 40 feet; each pier 5 feet wide. Delta feeder is taken into the canal 76 links north of aqueduct.								
	LEVEL No. 10, $11\frac{4}{10}$ CHAINS.								
	Lock No. 9, 12 feet lift, northward								
	LEVEL No. 11, $12\frac{4}{10}$ CHAINS.								
13....	Lock No. 10, 11 feet lift, northward		Wood	Wood	52	1	14		
	Change and road bridge (on bents).								
	LEVEL No. 12, $8\frac{2}{10}$ CHAINS.								
	Lock No. 11, 11 feet lift, northward								
	LEVEL No. 13, $36\frac{8}{10}$ CHAINS.								
14....	Lock No. 12, 11 feet lift, northward		Wood	Wood	52	1	14		
	Road bridge (stone abutments)								
	LEVEL No. 14, $168\frac{2}{10}$ CHAINS.								
	Lock No. 13, 8 feet lift, northward								
	Spillway No. 2.								
15....	Farm bridge (stone abutments; iron chords).	Wood	Wood	Wood	52	1	13		
16....	Farm bridge (on bents)	Wood	Wood	Wood	52	1	13		
17....	Farm bridge (on bents).	Wood	Wood	Wood	52	1	13		

18	Spillway No. 3.	.....	.....	.....	.....	.....	.....	.....	.....
19	Road bridge at Westernville (stone abutments).	.....	Wood	Wood	51	1	14	.....	.....
	Road bridge (on bents).	.....	Wood	Wood	52	1	14	.....	.....
	LEVEL No. 15, 10 $\frac{80}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 14, 8 feet lift, northward.	.....	.....	.....	.....	.....	.....	.....	.....
	LEVEL No. 16, 12 $\frac{87}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 15, 8 feet lift, northward.	.....	.....	.....	.....	.....	.....	.....	.....
	LEVEL No. 17, 120 $\frac{73}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 16, 10 feet lift, northward.	.....	.....	.....	.....	.....	.....	.....	.....
20	Westernville road bridge (stone abutments and iron chords).	.....	Wood	Wood	60	1	16	.....	.....
21	Farm bridge (on bents).	.....	Wood	Wood	52	1	13	.....	.....
22	Farm bridge (on bents).	.....	Wood	Wood	53	1	13	.....	.....
	LEVEL No. 18, 46 $\frac{26}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 17, 8 feet lift, northward.	.....	.....	.....	.....	.....	.....	.....	.....
	Aqueduct No. 2, (Willis creek) stone abutments and piers, wood trunk, 6 spans, 18 feet, each pier 5 feet wide.	.....	.....	.....	.....	.....	.....	.....	.....
23	Waldo farm bridge (on bents).	.....	Wood	Wood	52	1	13	.....	.....
24	Farm bridge (on bents).	.....	Wood	Wood	53	1	13	.....	.....
	LEVEL No. 19, 19 $\frac{24}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 18, 10 feet lift, northward.	.....	Wood	Wood	53	1	13	.....	.....
25	Farm bridge (on bents).	.....	.....	.....	.....	.....	.....	.....	.....
	LEVEL No. 20, 12 $\frac{25}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 19, 8 feet lift, northward.	.....	.....	.....	.....	.....	.....	.....	.....
	LEVEL No. 21, 11 $\frac{83}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 20, 10 feet lift, northward.	.....	.....	.....	.....	.....	.....	.....	.....
	LEVEL No. 22, 44 $\frac{20}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 21, 10 feet lift, northward.	.....	.....	.....	.....	.....	.....	.....	.....
26	Old plank road bridge (stone abutment).	.....	Wood	Wood	53	1	14	.....	.....
27	Road bridge (stone abutments on tow-path side and bents on berme side).	.....	Wood	Wood	52	1	14	.....	.....
	LEVEL No. 23, 69 $\frac{20}{100}$ CHAINS.	.....	.....	.....	.....	.....	.....	.....	.....
	Lock No. 22, 10 feet lift, northward.	.....	.....	.....	.....	.....	.....	.....	.....
	Aqueduct No. 3 (Springer's creek), stone abutments and piers, wood trunk, 4 spans, 18 feet each, piers 5 feet wide.	.....	.....	.....	.....	.....	.....	.....	.....
28	Side Hill road bridge, stone abutments.	.....	Wood	Wood	52	1	14	.....	.....
	.....	.....	Iron	.....	.....	.....	.....	.....	.....

TABLE showing the length of the levels on the Black River Canal and the structures on each in their order —
Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
...	LEVEL No. 24, 29 $\frac{10}{100}$ CHAINS. Lock No. 23, 10 feet lift, northward.....								
29	LEVEL No. 25, 39 $\frac{15}{100}$ CHAINS. Lock No. 24, 10 feet lift, northward..... Road and change bridge (on bents, iron chords)..... Sluice on tow-path side (stone abutments).....		Wood.	Wood.	50	1	14		
...	LEVEL No. 26, 30 $\frac{43}{100}$ CHAINS. Lock No. 25, 10 feet lift, northward..... Aqueduct No. 4 (lausinkill) stone abutments and piers, wood trunk, 6 spans, 18 feet each, 5 piers, feet wide.....								
...	LEVEL No. 27, 29 $\frac{23}{100}$ CHAINS. Lock No. 26, 10 feet lift, northward.....								
...	LEVEL No. 28, 22 $\frac{94}{100}$ CHAINS. Lock No. 27, 10 feet lift, northward.....								
...	LEVEL No. 29, 12 $\frac{15}{100}$ CHAINS. Lock No. 28, 10 feet lift, northward.....								
...	LEVEL No. 30, 36 $\frac{49}{100}$ CHAINS. Lock No. 29, 10 feet lift, northward..... Road bridge, on bents..... Culvert No. 2, arch.....		Wood.	Wood.	52	1	14		
30	LEVEL No. 31, 16 $\frac{00}{100}$ CHAINS. Lock No. 30, 10 feet lift, northward.....								

TABLE showing the length of the levels on the Black River Canal and the structures on each in their order —
Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of sidewalks.	Width of sidewalks.
LEVEL No. 63 — Continued.									
36	Black river railroad bridge.		Wood	Wood	52	1	13		
37	Owen farm bridge (on bents).								
37	Stringer bridge (on tow-path).	Iron	Wood	Iron	52	1	13		
38	Turnpike bridge, Boonville (stone abutments).		Wood	Wood	60	1	13		
38	Black river feeder bridge (stone abutments).								
38	Spillway No. 7, tow-path side (stone abutments).								
38	Lock No. 71, 10 feet lift, southward.								
LEVEL No. 64, 39 $\frac{3}{10}$ CHAINS.									
39	Main street bridge, Boonville.	Iron		Iron	54	1	13	2	4 6-12
39	Culvert No. 5, arch, 10 feet chord.								
39	Lock No. 72, 10 feet lift, southward.								
LEVEL No. 65, 55 $\frac{3}{10}$ CHAINS.									
40	Culvert No. 6, arch.		Wood	Wood	52	1	13		
40	Farm bridge (on bents).		Wood	Wood	52	1	13		
41	Farm bridge (on bents).								
41	Lock No. 73, 10 feet lift, southward.								
LEVEL No. 66, 11 $\frac{5}{10}$ CHAINS.									
42	Lock No. 74, 10 feet lift, southward.								
LEVEL No. 67, 55 $\frac{3}{10}$ CHAINS.									
42	Carpenter farm bridge (on bents).		Wood	Wood	52	1	13		
42	Lock No. 75, 10 feet lift, southward.								
LEVEL No. 68, 16 $\frac{3}{10}$ CHAINS.									
43	Locks Nos. 76, 77, 78 and 79, each 10 feet lift, southward.								
LEVEL No. 69, 40 $\frac{1}{10}$ CHAINS.									
43	Phelps' farm bridge (on bents).		Wood	Wood	52	1	13		
43	Lock No. 80, 9 feet lift, southward.								

LEVEL No. 70, 16 $\frac{1}{10}$ CHAINS.									
Locks Nos. 81, 82, 83 and 84, each 9 feet lift, southward.....									
LEVEL No. 71, 45 $\frac{2}{10}$ CHAINS.									
Aqueduct No. 5 (Sugar river), stone abutments and piers, wood trunks, 8 spans, 40 feet each, pier 5 feet 11 inches wide.....	Iron.								
Road bridge.....									
Lock No. 85, 10 feet lift, southward.....									
LEVEL No. 72, 20 $\frac{2}{10}$ CHAINS.									
Farm bridge (on bents).....	Wood.								
Lock No. 86, 11 $\frac{1}{4}$ feet lift, southward.....									
LEVEL No. 73, 19 $\frac{1}{10}$ CHAINS.									
Locks Nos. 87, 88, 89, 90, each 10 feet lift, southward.....									
LEVEL No. 74, 13 $\frac{1}{10}$ CHAINS.									
Farm bridge (on bents).....	Wood.								
Lock No. 91, 10 feet lift, southward.....									
LEVEL No. 75, 108 $\frac{8}{10}$ CHAINS.									
Farm bridge (on bents).....	Wood.								
Farm bridge (on bents).....	Wood.								
Farm bridge (on bents).....	Wood.								
Lock No. 92, 10 feet lift, southward.....									
LEVEL No. 76, 36 $\frac{2}{10}$ CHAINS.									
Farm bridge (on bents).....	Wood.								
Farm bridge (on bents).....	Wood.								
Lock No. 93, 10 feet lift, southward.....									
LEVEL No. 77, 28 $\frac{5}{10}$ CHAINS.									
Farm bridge (on bents).....	Wood.								
Lock No. 94, 10 feet lift, southward.....									
LEVEL No. 78, 96 $\frac{2}{10}$ CHAINS.									
Bulk-head and spillway No. 7 (stone abutment).....									
Culvert No. 7, arch.....									
Farm bridge (on bents).....	Wood.								
Farm bridge (on bents).....	Wood.								
Main street bridge (Port Leyden).....	Iron.								

TABLE showing the length of the levels on the Black River Canal and the structures on each in their order —
Continued.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of side-walks.	Width of side-walks.
	LEVEL No. 78—Continued.								
56	Second street bridge (on cribs)	Swing.	Wood	Wood	64	1	17		
	Gere's crossing, to his iron works, private								
	Culvert No. 8, 10x								
	Lock No. 98, 10 feet lift, southward								
	LEVEL No. 79, 27 ²⁷ / ₁₀₀ CHAINS.								
	Culvert No. 9, arch								
	Lock No. 96, 10 feet lift, southward								
	LEVEL No. 80, 14 ¹⁷ / ₁₀₀ CHAINS.								
	Lock No. 97, 10 feet lift, southward								
	LEVEL No. 81, 18 ²⁸ / ₁₀₀ CHAINS.								
57	Culvert No. 10, arch		Wood	Wood	63	1	14		
	Change bridge (stone abutments)								
	Lock No. 98, 10 feet lift, southward								
	LEVEL No. 82, 39 ²⁰ / ₁₀₀ CHAINS.								
58	Road bridge (stone abutments)		Wood	Wood	53	1	14		
	Locks Nos. 99 and 100, each 10 feet lift, southward								
	Lock No. 101, 10½ feet lift, southward								
59	LEVEL No. 83, 11 ¹⁴ / ₁₀₀ CHAINS.								
	Farm bridge (on bents)		Wood	Wood	53	1	13		
	Lock No. 102, 10½ feet lift, southward								
	LEVEL No. 84, 82 ³² / ₁₀₀ CHAINS.								
	This is the river level above Lyons Falls dam towing-path, follows the west bank for a distance of 44 17-100 chains to the side-cut around Lyons Falls.								

60....	Road and change bridge over the side-cut has stone abutments. Lock No. 103, 4 feet lift, southward, and locks Nos. 104 and 105, each 10 feet lift, southward....	Wood	Wood	50	1	13	.....
61....	LEVEL No. 85, 17 ⁶⁰ / ₁₀₀ CHAINS. Road bridge (Lyons Falls) stone abutments..... Locks Nos. 106 and 107, 11 feet lift, southward.....	Iron	Iron	52	1	16	5
62....	LEVEL No. 86, 10 ¹⁰ / ₁₀₀ CHAINS. Spillway No. 9, on tow-path side..... Road bridge (on bents) Locks Nos. 108 and 109, each 12 feet lift, southward..... Dam at Lyons Falls, 491 feet long, built of timber with stone abutments..... Bridges over Black and Moose rivers, at their junction just above dam. Black river bridge has 2 spans of 30 feet each and 17 feet roadway. Moose river bridge has 1 span of 80 feet and 1 span of 91 feet and 17 feet roadway. The two bridges have stone abutments and piers.....	Wood	Wood	53	1	18	.....

Summary.

Total length Black River canal.....	35 $\frac{50}{100}$ miles.
Ascending lockages from Rome to Summit, at Boonville.....	693 feet.
Descending lockages from the Summit level to the Black river, below Lyons Falls	387 $\frac{3}{13}$ "

The structures are as follows:

Level No. 1, at Rome.....	428.40 feet above tide.
Summit level at Boonville.....	1,121.40 " "
Black river, below Lyons Falls.....	734.15 " "

109 lift locks.

10 iron bridges (road and farm).

48 wood bridges (road and farm).

4 wood bridges (change).

5 aqueducts.

9 spillways and bulk-heads.

10 culverts.

4 feeders and dams, as follows: Delta; Lansingkill, below lock 34; Erie canal feeder, above lock 62; Black river, at Lyons Falls.

Distance to Forest Port, is 10 1/2 miles long.

GENERAL DESCRIPTION.

THE STRUCTURES ARE AS FOLLOWS:

1. Farm bridge, truss on bents.
 2. Road bridge, truss on bents.
 3. Bulk-head No. 1 and spillway connected, tow-path side.
 4. Farm bridge, truss on bents.
 5. Road bridge, truss on bents.
 6. Road bridge, truss on bents.
 7. Road bridge, truss on bents.
 8. Culvert No. 1.
 9. Farm bridge, truss on bents.
 10. Bulk-head No. 2, on berme side.
 11. Culvert No. 2.
 12. Road bridge, truss on bents.
 13. Road bridge, truss on bents.
 14. Culvert No. 3.
 15. Road bridge, truss on bents.
 16. Bulk-head No. 3, near Forest Port, tow-path side.
 17. Road bridge, truss on bents.
 18. Guard-lock at entrance into the pond.
 19. Road bridge, truss on bents, crosses directly over the lock.
 20. Forest Port dam is located 7 chains north of the lock; is of timber with stone abutments and 1 pier. The dam is in two sections, one 172 feet long and one 40 feet long, making spillway of 212 feet in length; pond about 2 miles long.

Summary.

13 road and farm bridges.
 3 culverts.
 1 dam.

3 bulk-heads.
 1 guard-lock.

No. of
bridges.

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Delta Feeder, taken into canal 75 feet north of Mohawk Aqueduct, total length 106- $\frac{2}{3}$ chains.

No. of bridges.	GENERAL DESCRIPTION.	Arch truss.	Trapezoidal truss.	Needle beams.	Span of bridge.	Number of roadways.	Width of roadways.	Number of sidewalks.	Width of sidewalks.
THE STRUCTURES ARE:									
1.....	Stringer bridge at the mouth of feeder, 16 feet span, 12 feet wide.	.....	Wood	Wood	16	1	12	.....	.....
2.....	Farm bridge, truss on bents	.....	Wood	Wood	40	1	12	.....	.....
3.....	Farm bridge, truss on bents	.....	Wood	Wood	40	1	12	.....	.....
4.....	Stringer bridge, flat below the lock, 16 feet span, 12 feet wide.	.....	Wood	Wood	16	1	12	.....	.....
.....	Guard and lift lock at the head of feeder (stone)	.....	.....	.....	.....	.....	.....	.....	.....
.....	Dam across the Mohawk river, located 5 50-100 chains from the lock, is 234 feet long, feet high	.....	.....	.....	.....	.....	.....	.....	.....

Summary.

4 farm and stringer bridges.

1 guard and lift-lock.

1 dam.

Black River Improvement, from foot of lock 109, Black River canal, to Carthage dam, 42 $\frac{1}{2}$ miles.

The structures are as follows:

Whittlesy bridge, 1 swing, 50 feet opening; 2 spans, one of 74 feet (wood) and one of 55 $\frac{6}{12}$ feet (iron); swing, 14 feet wide; main span, 17 feet wide.

Tiffany bridge (at Glendale), 1 swing, 49 $\frac{6}{12}$ feet opening, and 2 spans, 89 $\frac{6}{12}$ feet each (wood); swing, 14 feet wide; main span, 17 feet wide.

Tree dam, 1 $\frac{1}{2}$ miles below Glendale, is 200 feet long and 4 $\frac{1}{2}$ feet high (stone abutments), steamboat lock located near the west end of dam is 160 feet long, 30 feet wide and 4 feet lift.

Tree dam, 1 $\frac{1}{2}$ miles above Beach bridge, is 264 feet long and 6 $\frac{6}{12}$ feet high (stone abutments); steamboat lock, located near the west end of the dam, is 160 feet long, 30 feet wide and 4 $\frac{6}{12}$ feet lift. Beach bridge, 1 swing, 49 feet opening, and 2 spans, 66 $\frac{6}{12}$ feet each (wood); swing, 14 $\frac{6}{12}$ feet wide; main span, 18 feet wide.

Illingworth bridge, 1 swing 47 $\frac{3}{12}$ feet opening, and 3 spans, 1 of 7 $\frac{9}{12}$ and 2 of 68 $\frac{3}{12}$ feet each, iron chords and wood trusses; swing, 4 $\frac{6}{12}$ feet wide; main span, 18 $\frac{4}{12}$ feet wide.

Parker's bridge, 1 swing, 50 feet opening, and 3 spans, 1 of 0 $\frac{1}{12}$, 1 of 79 $\frac{3}{12}$ and 1 of 83 $\frac{3}{12}$ feet; swing, 14 feet wide; main span, 16 $\frac{2}{12}$ feet wide.

Bridge over Beaver river, 2 spans, 53 feet each, 14 feet wide.

Carthage bridge, wrought-iron bowstring arch and wood needle beams, stone abutments and piers, 7 spans of varying lengths, to wit: 1 span of 49 $\frac{3}{12}$ feet; 2 spans, 67 $\frac{6}{12}$ feet each; 2 spans, 72 $\frac{5}{12}$ feet each; 1 span, 67 $\frac{2}{12}$ feet, and 1 span, 36 $\frac{3}{12}$ feet; 1 roadway, 7 $\frac{4}{12}$ feet wide; 1 sidewalk, 6 feet wide.

Carthage dam, feet long, feet high, wood spillway and stone abutments.

Summary.

5 river swing-bridges.

2 river road-bridges.

3 dams.

2 steamboat locks.

TABLE showing the length of the levels on the Oneida Lake Canal and the structures on each in their order,
with the distances between them as follows:

No. of bridges.	Distances in chains.	GENERAL DESCRIPTION.	Arch truss.	Trape- zoidal truss.	Needle beams.	Span of bridge.	Number of road- ways.	Width of road- ways.	Number of side- walks.	Width of side- walks.
		JUNCTION WITH THE ERIE CANAL AT DURHAM- VILLE.								
		LEVEL No. 1, 154 $\frac{48}{100}$ CHAINS.								
1.	00	Tumble gate.								
	28.08	Farm bridge.								
2.	27.84	Culvert No. 1.								
	17.81	Road bridge.								
	81.75	Lock No. 1 (stone with fenders), 11 feet lift, going south.								
		LEVEL No. 2, 193 $\frac{22}{100}$ CHAINS.								
3.	3.00	Road bridge.								
	35.30	Culvert No. 2.								
4.	12.80	Road bridge.								
	20.22	Culvert No. 3.								
5.	6.13	Road bridge.								
	115.04	Lock No. 2 (stone with fenders), 10 feet lift, going south.								
		LEVEL No. 3, 13 $\frac{40}{100}$ CHAINS.								
	13.00	Lock No. 3 (stone with fenders), 10 feet lift, going south.								
		LEVEL No. 4, 29 $\frac{78}{100}$ CHAINS.								
6.	2.50	Road bridge.								
	10.95	Culvert No. 4.								
	26.81	Lock No. 4 (stone with fenders), 10 feet lift, going south.								
		LEVEL No. 5, 9 $\frac{80}{100}$ CHAINS.								
7.	5.29	Old State road bridge.								
	4.11	Lock No. 5 (stone with fenders), 10 feet lift, going south.								

This canal has not been opened for navigation this season. The extreme dry weather of the summer months will, no doubt, produce such a scarcity of water on the Rome level, as will not admit of the extra draft that would result in attempting to fill this unprofitable canal.

There is little to be said in its favor, as it will require a large outlay to render the banks as safe as those of the Erie canal, as should be the case from its close connection with the same, especially the level above the first lock, where, in case of a breach, only the prompt closing of the stop gates at the junction would prevent a serious interruption of navigation on the Rome level.

Reference is made to my report for 1878 for work required to be done, before this canal can be used with any assurance of safety.

CHENANGO CANAL.

The structure on this canal between Utica and Lock 77, at the south end of Summit level are :

- 4 iron bridges on the Whipple plan.
- 36 wood bridges (truss and stringer).
- 23 culverts of different chords.
- 77 dilapidated locks.
- 4 aqueducts.

I would recommend the lowering of all the bridges that have not been taken down, and the channel narrowed to (15) fifteen feet, and spanned by stringer bridges. And where the old locks are not needed for the safety of the canal as a feeder to the Erie, that the stone in such locks be sold for the benefit of the State, and that such locks as are actually required to protect the canal and the property along its line be properly repaired, and bulk-heads be constructed at the upper recesses of such locks.

The lowering of the road and farm bridges south of Hamilton village, as recommended last year, is now in progress.

Feeder Bridges.

- 24 stringer bridges, over artificial channels between the reservoirs in the Hamilton group and Summit level of Chenango canal.
- 1 wood truss farm bridge over Oriskany feeder near the Erie canal.
- 1 stringer road bridge over the Erieville inlet.
- 2 iron truss road bridges over the Cazenovia outlet (at Cazenovia).
- 1 wood stringer bridge over the Chittenango feeder (at Chittenango).
- 2 wood truss road bridges over the De Ruyter artificial inlet.
- 2 wood stringer farm bridges over the De Ruyter artificial inlet.
- 1 wood swing bridge over the Limestone feeder (at Fayetteville).
- 3 wood stringer bridges over Oneida feeder.
- 1 iron stringer road bridge over Oneida feeder.
- 1 wood stringer farm bridge over Oneida feeder (near bulk-head).
- 1 wood truss road bridge over Orville feeder.

- 1 iron truss road bridge over Orville feeder.
- 1 wood stringer road bridge over Orville feeder.
- 1 wood stringer farm bridge over Orville feeder.
- 1 wood stringer road bridge over Orville feeder (below Jamesville reservoir).
- 1 wood truss road bridge at Camillus.
- 1 iron girder bridge Main street, Skaneateles, 2 roadways, 2 sidewalks.
- 1 wood truss road bridge over Putnam brook.
- 1 wood stringer road bridge over Port Byron feeder (near Hayden's Mill).

Summary of Structures on the Middle Division.

- 20 river dams.
- 11 feeder dams.
 - 3 dams for turning streams north (to feed the Erie canal) that naturally flow to the south.
- 22 reservoir dams.
- 4 river locks.
- 159 canal locks (in use).
 - 77 canal locks (not in use, between Utica and Hamilton on Chenango canal).
- 22 aqueducts.
- 55 bulk-heads and spillways.
- 131 culverts (arch and box).
- 62 sluices.
- 267 road and farm bridges.
 - 65 feeder bridges.
 - 16 change bridges.
 - 18 foot bridges.
 - 4 swing bridges.
 - 1 lift bridge.
 - 14 tow-path bridges.
 - 12 river bridges.
 - 3 weigh-locks.

966	Total number of structures on Middle Division.
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GENERAL REMARKS.

Erie Canal.

On drawing the water down in April last, three leaks were discovered in the prism of the canal at the west end of Onondaga culvert. These leaks were due to the bad construction of the walls, there being no offsets in the backing; and to the position in which the walls of the old culvert were left, between the wings of the new, and the imperfect puddling behind and over the walls and arches.

To remedy these defects, the old puddle and filling next the walls were removed to a proper depth and whole concreted, so as to cover

the exposed walls, and all well puddled, since which time there have been no signs of leakage.

On the 22d day of April a break occurred on the east side of Nail creek culvert (in Utica), which carried out several thousand yards of earth from the bottom of the canal. The break was due to the peculiar construction of the culvert. The bench walls rested on piles without cross-timbers or flooring to connect the two lines of wall, the walls were carried up with a face in front and rear and carelessly filled with small stone between the two faces. These walls were leaky and had no proper connection with the puddle behind them. When the leak took place, the water, no doubt, followed the seam between the back wall and the puddling down to the foundation, which being of piles left a free passage of the water into the culvert, through which all the earth and gravel was carried and deposited in the lumber yard below.

Immediately on being informed of this disaster, myself and the resident, Mr. Denison Richmond, went to Utica and commenced the work of repairing damages done by the break, and during that day, the State Engineer, the Superintendent of Public Works and his deputies, and the Division Engineer of the Eastern division, came to our assistance, and to advise as to the best method of making the repairs.

Navigation by this disaster was interrupted seven days. After navigation was resumed it took about sixteen days to complete the embankment and repair the culvert.

Frequent examinations made of this work during the season show that it was thoroughly done.

The cost of repairing this break was about \$7,000.

Bottoming Out.

In April last, 76,000 cubic yards of sediment and wash from the center of the canal was removed from the prism.

This work was confined to places where the bottom was either high or narrow, so as to give as uniform a channel as possible for the whole length of the division. It will be for the interest of the State to remove twice that amount, say 150,000 cubic yards, which now lies piled on the sides of the channel and above the original bottom. This material is thrown up from the center by the disturbances caused by currents under the boats when in motion, giving a greater depth of water in the center than was originally provided, and if this wash is removed every spring, the channel will be deepened annually, and in a few years the canal will be made eight feet deep, except in places where the material is too hard to be acted upon by these currents.

The towing-path has been raised in many of the low places, to which attention was called in my last report, and still there remains many low places in both tow-path and berme bank that should be raised the coming year, particularly the berme bank between Whitesboro and Oriskany, and between lock 52 and May's Point. The

towing-path in the cities of Utica and Syracuse should be raised, and the docking to protect the vertical wall renewed. The present docking is very old and broken away in many places, exposing the walls to be battered down by the boats which necessarily come in contact in passing.

Repairs on the Erie Canal.

Centerport aqueduct, repaired by putting in new sides, and some repairs were made on eight others.

Mill street bridge at Cazenovia rebuilt of iron ; this bridge was taken from the Chenango canal.

Utica.

Whitesboro street bridge (No. 14) remodeled and new needle beams of oak put in place of all decayed ones.

Schuyler street bridge (No. 16) partially repaired ; should be completed before opening the canal for navigation next spring.

Iron needle beams have been ordered for Broad and John streets bridges (Nos. 4 and 7).

Rome.

James street bridge (No. 37), which originally had but one road way and two sidewalks (by resolution of Canal Board), is to be widened to two roadways and two sidewalks. One roadway and one sidewalk has been made up of old bridge, and iron needle beams in place of the old wood beams. The remaining work is to be done by contract.

De Puyster street wood bridge (No. 36) was found to be unsafe. It was taken down, and the old Salina street bridge, Syracuse, remodeled, was put up in its place.

Amboy wood bridge (No. 112) gave out in midsummer, and was replaced by an iron bridge from the Chenango canal, remodeled to suit.

Bellisle bridge (No. 111). This bridge was of wood, so much decayed as to be unsafe. It was taken down and an old iron bridge, that had been stored away in the State shop at Syracuse, which was remodeled to fit, was erected in its place.

Cazenovia dam and feeder walls repaired in the fall of 1879.

Extension of Butternut creek feeder completed in the fall of 1879.

Skaucateles bridge rewooded.

Four new lock gates have been put in this season, and all the old gates on the Erie repaired.

A water-wheel, and the necessary machinery, was put into lock 52, for the purpose of towing boats into the locks, last spring before opening the canal for navigation, which has greatly facilitated the work of locking the heavy-laden boats bound east. This lock formerly controlled the daily lockages on the entire canal. Now there

are no detentions at this lock, but boats are detained at locks 47, 48, 49 and 50. I would therefore recommend similar machinery for these locks. By doing this, three hours can be saved in making a trip from Buffalo to Troy.

The bank of the Port Byron feeder in two different places, where the tow rested on soft, marshy ground, settled so as to cause a break in the outer bank, leaving a comb between the break and the water line. To remedy this a row of piles was driven along the tow of the bank for the whole length of the slide, and the banks repaired, which effectually secures it against further damage. In the other case the banks were widened to make it secure. This accident did not interrupt navigation.

The Peckham culvert has been repaired.

A slide of outer side of the towing-path bank, about half a mile east of lock 50, occurred on the 28th day of August, was repaired in two days without interruption to navigation.

A small leak occurred in the berme bank after the close of navigation, but was soon stopped by the prompt attention of the section superintendent. This bank should be widened and raised to make it secure.

A large amount of work was done in the fall of 1879 in dredging out the channel between lock 52 and Montezuma; this would have been a success had the parties doing the work not undermined the slope walls in certain places. The interest of the State would be promoted by constructing properly-contrived dredges and machinery for bottoming out the channel of the Erie canal, instead of adhering to the old system of doing it by man power, and that, too, when the season is most unfavorable for such work. The short time generally allowed for cleaning the channel for navigation precludes the possibility of doing it well or economically.

In my first report on this division, attention was called to this subject. It was then thought that thirty per cent could be saved to the State by adopting the dredge system.

By this system this work can be done during the summer months, so that any bars formed at the mouth of the feeders or inlets in filling the canal in the spring can be removed at once, and not as now, form obstructions that interfere with navigation for the entire season.

The sediment which was annually deposited in the mouth of Cowassalon feeder, was all removed in April last.

The following wood bridges on the Erie canal should be rebuilt the coming season :

- No. 55, Happy Valley road bridge.
- No. 57, Higginsville east road bridge.
- No. 77, Boliver road bridge.
- No. 83, Stern's farm bridge.
- No. 109, Gere's Landing road bridge.
- No. 110, Gere's farm bridge.
- No 113, Camillus road bridge.

No. 114, Newport road bridge.

No. 123, Fountainville road bridge.

No. 140, Bucklen farm bridge.

These bridges are of wood and old. Not considered safe. They should be of iron when rebuilt.

Repairs are needed on the following structures:

No. 16, Schnyler street bridge, Utica.

No. 100, Salina street swing-bridge, Syracuse.

Iron needle beams wanted to take the place of the old wood beams now much decayed:

No. 5, Catharine street bridge, Utica.

No. 19, Whitesboro road bridge.

No. 20, Yorkville road bridge.

No. 22, Westmoreland road bridge.

No. 25, Bradly road bridge.

No. 28, River street road bridge, Oriskany.

No. 34, Stanwix road bridge.

No. 49, New London road bridge.

These are all iron trusses except two which are suspension iron bridges.

Structures that should be repaired before opening the canal for navigation:

A small arch culvert in East Utica.

The end walls of Canaseraga culvert.

The vertical wall on the towing-path side at Nail creek culvert. This wall was destroyed at the time of the break in April last, and could not be rebuilt at the time of mending the break.

The gates for lock 52 should be put in immediately on filling the canal the coming spring; also the lower gates of lock 51.

The paddles in locks 47, 48, 49, 50 and 51 repaired or renewed if necessary.

The breast walls in locks 49, 51 and 52 should be relaid to prevent leakage.

The foundation of Onondaga culvert is in a bad condition; should be repaired by filling with cobble stone and gravel.

Oswego Canal.

Bottoming out done on this canal in April last was confined to those places where the wash from the hills had formed bars, and where the currents had carried the sedimentary deposits to points near the locks. Cannot tell the number of yards taken out.

To put the channel in proper condition would require the removing of 40,000 cubic yards that now obstruct navigation.

Spillway Nos. 2 and 3 in Salina, and spillway No. 4 at Liverpool, should be repaired.

The wood work of the bulk-head just above Mud lock should be renewed, the old structure being much decayed.

The bulk-heads in the Van Buren dam should be rebuilt, as they are likely to go out at any time.

Sluice No. 19 should be rebuilt the coming spring.

The two bulk-heads in Phoenix dam should be repaired.

Locks Nos. 2, 14 and 15 will require new planking in the chambers, and new lower mitre-sills and two new lower gates.

Gates at the head of the hydraulic canal at Oswego in bad condition and should be rebuilt.

Bridges.

No. 15. The Phoenix bridge (iron chord) is much decayed and should be rebuilt.

No. 26. Change bridge (iron chord) should be rebuilt. The timber in this bridge is quite rotten.

Fulton dam. 308 feet of the sloping apron was built in the fall of 1880, which completes this apron.

Minetto dam. 208 feet of the sloping apron was built the past year, making this dam complete.

High dam. A large amount of gravel and clay has been put in between the old and new dams, which has in a great measure stopped the leaks in this dam.

Van Buren dam. The apron of this dam should be built the coming year. Bills of timber have been given for 300 feet of apron.

Baldwinsville dam is in bad condition and should be repaired as early in 1881 as possible. Bills of timber have been given the deputy superintendent for all the timbers necessary for the repairs.

The Oswego dam should have a new apron to replace the old, that has been destroyed by the ice during the spring floods. The old apron was built without any slope. The new should have a slope of 2 feet in sixteen feet, well supported in the center of the apron, where the ice in passing over dam strikes the apron.

CAYUGA AND SENECA CANAL.

The Improvements of Cayuga Inlet and Cayuga Pier.

A small amount of work was done in April last in bottoming at Waterloo, and on the Cayuga branch, and during the summer the channel at Geneva coal station was dredged, so as to give a depth of six feet at the coal pockets, where the boats are loaded. This dredging was necessary on account of the extremely low water in Seneca lake.

The repairs on the locks and gates during the year has been barely sufficient to keep this canal open to navigation. The work of repairs the coming season will necessarily be much greater than for this year, in supplying new gates and in some cases new mitre sills.

The wood bridges are generally old and more or less decayed. Most of them have been repaired and made safe up to the present time, but will not stand much longer.

The Preemption road bridge (No. 3), the Graham road bridge (No. 9), the change and road bridge (No. 13), and the De Mont bridge (No. 14) are all unsafe and should be rebuilt of iron.

The towing-path bridges, seven in number, all need some repairing.

The swing-bridge over lock No. 11 is almost useless, being so much decayed as to render it unsafe to open it. This bridge should be rebuilt at an early day.

The sluice around lock No. 10 (Montezuma) is much decayed and should be renewed.

The docking of the towing-path at Geneva, between the upper swing-bridge at the coal pockets and Lake Street bridge (No. 1) is in a bad condition; most of the piles are decayed down to the water surface and caps rotten. If the towing-path between these points is to be maintained, it should be rebuilt the coming spring.

The Waterloo dam is both old and leaky. Maps, plans and estimates for repairing it were made in August last, and bids were received in September following for the work, but as they were thought too high (being \$700 above the estimate), the matter was dropped, and nothing further done toward making needed repairs.

Plans and estimates were made for dredging out Cayuga inlet; and bills of timber furnished for repairing the pier at the mouth of this inlet, and the work let to Charles P. Skinner of Owego, the 10th of August, and commenced in September, and is now in progress, and will in all probability be completed before the ice in the lake breaks up in the spring.

The pier at Cayuga bridge should be repaired the coming season, and new snubbing posts put in where needed, for securing boats in times of high winds from the south; bills of timber have been furnished for this work.

The interest of the State will be promoted by putting up iron bridges as the wood bridges fall to decay, and as there are three (3) bridges to be built on this canal in 1881, iron is recommended.

BLACK RIVER CANAL.

A very small amount of bottoming out was done last April on this canal, and that small amount was in removing bars formed by the feeders and inlets.

In order to keep up navigation it will be necessary to do a large amount of work the coming spring in bottoming out and in raising the banks in many places to secure them against overflow.

New gates have been put in many of the locks on the main canal during the past summer, sufficient to maintain them in common working order. The dilapidated condition of these locks will require more attention and a greater outlay in money the coming season than has been expended in any previous year, if the canal is to be kept open to navigation.

Twenty (20) new gates will be needed to replace the old and decayed ones, and ten (10) new balance beams for lock-gates that will last another season.

The sluices around many of the locks are of wood and much decayed and will need attention.

The channel through the rock cut at the upper end of the Black River feeder, near Forest Port, has been widened, so as to give an even flow of water for its entire length.

One span of Sugar river aqueduct and tow-path bridge was renewed last spring. The two remaining spans should be rebuilt.

Towing-path bridge of Mohawk aqueduct was renewed last spring. The tunk should be repaired.

The long span of Willis creek aqueduct has settled about six inches in the center of the span. It should be repaired and supported in the middle to prevent this settlement, and the tow-path bridge should be repaired.

The towing-path over the Erie canal feeder should be repaired.

The spillway at Lyons Falls needs repairing; the walls are mostly of timber, now much decayed.

Locks 39, 40, 41 and 42 are in bad condition, and I understand from the Superintendent, that measures are being taken to rebuild them in March and April next.

Thirty-five locks leak badly through the walls just below the upper gates, giving the boatmen great annoyance when locking their boats through.

The leakage in many of the locks on this canal is undermining and destroying the banks and requires early attention.

Of the bridges on this canal, ten are so much decayed as to be unsafe, and should be rebuilt as early as the work can be economically done.

Four iron bridges taken from the Chenango canal have been transferred to this canal and put up during this year.

Four more iron bridges, two taken from the Chenango and two from the Chemung canal, are ready to be put in place as soon as the weather will permit, and I am informed by the engineer of the Western division that four can be had from the Genesee Valley canal, leaving but two to be provided for to meet the requirements.

The bridges on the Delta and Black river feeders will not require more than common repairs the coming season, except No. 13, at Forest Port, which should be rebuilt.

The bridge at Lyons Falls was repaired in early part of the summer, and is in good condition.

The span next the draw of the Whittlesy bridge is unsafe and should be rebuilt with as little delay as possible.

The circular wings of the Beach and Illingworth draw bridges have settled and need repairing for the purpose of working the draw.

The river lock at the mouth of Otter creek has been repaired and is in good working order.

The river lock, six miles below this, is in a very bad condition and should be repaired the coming season if navigation is to be maintained on this river.

ENGINEERING DEPARTMENT.

MIDDLE DIVISION.

During the fiscal year this division of the canal was under the charge of Marvin Porter, division engineer, and Denison Richmond, resident engineer.

Table No. 1, annexed, shows in detail the cost of engineering during the year, the names of all persons employed, and the compensation of each.

But one piece of work has been done under special contract on this division during the year. All other improvements and repairs have been made by the assistant and section superintendents, under the advice and directions of the engineer department.

The engineering expenses on this division have been more than ordinary on account of surveys of certain lakes in Hamilton and Oneida counties for the purpose of building new reservoirs for supplying the Erie canal, east and west of Rome, and for contract work at Ithaca.

STATEMENT of engineering, together with incidental expenses upon ordinary repairs of the Middle Division, New York State canals, for the fiscal year ending September 30, 1880, and paid by the Division Engineer, under act chapter 385, Laws of 1876.

ERIE CANAL.

NAMES.	Rauk.	Salary or travel.	No. of days.	Rate per day.	Rate per year.	Amount.	Total.
Marvin Porter	Division Engineer.	Salary.	.....	.....	.....	\$1,450 00	
Marvin Porter	Division Engineer.	Travel.	.....	.....	.....	335 00	
Denison Richmond	Resident Engineer.	Salary.	.....	.....	2,000	1,200 00	
Denison Richmond	Resident Engineer.	Travel.	.....	.....	.....	173 09	
John S. Killaly	Leveler.	Salary.	85	\$4 50	.....	382 50	
A. V. Meeker	Leveler.	Salary.	235	4 50	.....	1,057 50	
A. V. Meeker	Leveler.	Travel.	.....	.....	.....	4 95	
Francis K. Baxter	Rodman.	Salary.	79	3 50	.....	276 50	
Francis K. Baxter	Rodman.	Travel.	.....	.....	.....	34 92	
R. R. Stuart	Rodman.	Salary.	184	3 50	.....	644 00	
R. R. Stuart	Rodman.	Travel.	.....	.....	.....	28 14	
R. R. Stuart	Rodman.	Salary.	30	2 50	.....	75 00	
George I. Bailey	Chainman	Salary.	26	2 50	.....	65 00	
							\$5,721 60

Incidental Expenses.

Stationery	\$160 34
Postage and telegraph	66 83
Fuel and light	82 50
Labor	90 00
Miscellaneous	254 75

Total for Erie canal.....

004 62
\$6,326 22

OSWEGO CANAL.

NAMES.	Rank.	Salary or travel.	No. of days.	Rate per day.	Rate per year.	Amount.	Total.
Marvin Porter.....	Division Engineer.	Salary..	....	....	\$2, 400 00	\$200 00	
Marvin Porter.....	Division Engineer.	Travel..	....	....	.....	55 00	
Denison Richmond.....	Resident Engineer.	Salary..	....	....	2, 000 00	250 00	
Denison Richmond.....	Resident Engineer.	Travel..	....	....	.....	14 10	
R. R. Stuart.....	Rodman	Travel..	....	....	.....	1 40	
Total for Oswego canal,	.....	.....	.....	.....	.....		\$520 50

CAYUGA AND SENECA CANAL.

Marvin Porter.....	Division Engineer.....	Salary..	....	....	\$2, 400 00	\$200 00	
Marvin Porter.....	Division Engineer.....	Travel..	....	....	.....	67 56	
Denison Richmond.....	Resident Engineer.....	Salary..	....	....	2, 000 00	250 00	
Denison Richmond.....	Resident Engineer.....	Travel..	....	....	.....	50 95	
Chas. G. Witbeck.....	Assistant Engineer.....	Salary..	21	\$5 00	.....	105 00	
Chas. G. Witbeck.....	Assistant Engineer.....	Travel..	....	....	.....	4 72	
R. R. Stuart.....	Rodman.....	Travel..	....	....	.....	28 82	
H. M. Race.....	Chainman	Salary..	3	2 50	.....	7 50	
Total for Cayuga and Seneca canal.....	.....	.....	.....	.....	.....		\$714 55

BLACK RIVER CANAL.

NAMES.	Rank.	Salary or Travel.	No. of days.	Rate per day.	Rate per year.	Amount.	Total.
Marvin Porter.....	Division Engineer.....	Salary..	....	....	\$2,400 00.	\$500 00	
Marvin Porter.....	Division Engineer.....	Travel..	....	....	.....	287 62	
Denison Richmond.....	Resident Engineer.....	Salary..	....	....	2,000 00	300 00	
Denison Richmond.....	Resident Engineer.....	Travel..	....	....	.....	100 31	
Chandley L. Phelps.....	Asst. engineer in charge,	Salary..	61	\$6 00	.....	366 00	
Chandley L. Phelps.....	Asst. engineer in charge,	Travel..	....	....	.....	20 70	
H. T. Beach.....	Asst. engineer in charge,	Salary..	12	6 00	.....	72 00	
H. T. Beach.....	Asst. engineer in charge,	Travel..	....	....	.....	12 52	
A. V. Meeker.....	Leveler.....	Travel..	....	....	.....	11 07	
F. N. Phelps.....	Leveler.....	Salary..	38	4 50	.....	171 00	
Griffith Jones.....	Compassman.....	Salary..	6	4 00	.....	24 00	
R. R. Stuart.....	Rodman.....	Travel..	....	....	.....	24 22	
F. N. Phelps.....	Rodman.....	Salary..	25	3 50	.....	87 50	
Even I. Evens.....	Rodman.....	Salary..	30	3 50	.....	105 00	
Earl Phelps.....	Rodman.....	Salary..	8	3 50	.....	28 00	
Charles H. Denslow.....	Chainman.....	Salary..	7	2 00	.....	14 00	
F. N. Phelps.....	Chainman.....	Salary..	7	2 00	.....	14 00	
J. T. Comstock.....	Chainman.....	Salary..	30	2 50	.....	75 00	
Ebenezer Harrington.....	Chainman.....	Salary..	40	2 50	.....	100 00	
Ebenezer Harrington.....	Axman.....	Salary..	6	2 00	.....	12 00	
Eugene Dustin.....	Axman.....	Salary..	7	2 00	.....	14 00	
E. Buck.....	Axman.....	Salary..	40	2 00	.....	80 00	
George Yerdon.....	Axman.....	Salary..	10	2 00	.....	20 00	

R. I. Churchill.....	Axman.....	Salary..	7	2 00	.....	14 00
F. C. Phelps.....	Axman.....	Salary..	30	2 00	.....	60 00
Robert Jones.....	Axman.....	Salary..	30	2 00	.....	60 00
Charles Denslow.....	Axman.....	Salary..	12	2 00	.....	24 00
Robert Dalton.....	Axman.....	Salary..	12	2 00	.....	24 00
George Phillips.....	Flagman	Salary..	30	2 00	.....	60 00
<i>Incidental expenses.</i>						\$2, 680 94
Miscellaneous .....		.....	....	....	.....	\$363 85
Total for Black River canal,		.....	...	....	.....	\$3, 044 79

ONEIDA LAKE CANAL.

Marvin Porter.....	Division Engineer.....	Salary..	....	....	\$2, 400 00	\$50 00
Marvin Porter.....	Division Engineer.....	Travel..	....	....	.....	6 34
Total for Oneida Lake canal,		.....	....	....	.....	\$56 34

EXTENSION OF CHENANGO CANAL.

H. T. Beach.....	Asst. engineer in charge,	Salary..	79	\$6 00	.....	\$474 00
H. T. Beach.....	Asst. engineer in charge,	Travel..	....	....	.....	12 81
William F. Lentz.....	Rodman.....	Salary..	3	3 00	.....	9 00
William F. Lentz.....	Rodman.....	Travel..	....	....	.....	3 80
Total for Extension of Chenango canal.....		.....	....	....	.....	\$499 61

BLACK RIVER CANAL.

NAMES.	Rank.	Salary or Travel.	No. of days.	Rate per day.	Rate per year.	Amount.	Total.
Marvin Porter.....	Division Engineer.....	Salary..	....	....	\$2,400 00.	\$500 00	
Marvin Porter.....	Division Engineer.....	Travel..	....	....	.....	287 62	
Denison Richmond.....	Resident Engineer.....	Salary..	....	....	2,000 00	300 00	
Denison Richmond.....	Resident Engineer.....	Travel..	....	....	.....	100 31	
Chandley L. Phelps.....	Asst. engineer in charge,	Salary..	61	\$6 00	.....	366 00	
Chandley L. Phelps.....	Asst. engineer in charge,	Travel..	....	....	.....	20 70	
H. T. Beach.....	Asst. engineer in charge,	Salary..	12	6 00	.....	72 00	
H. T. Beach.....	Asst. engineer in charge,	Travel..	....	....	.....	12 52	
A. V. Meeker.....	Leveler.....	Travel..	....	....	.....	11 07	
F. N. Phelps.....	Leveler.....	Salary..	38	4 50	.....	171 00	
Griffith Jones.....	Compassman.....	Salary..	6	4 00	.....	24 00	
R. R. Stuart.....	Rodman.....	Travel..	....	....	.....	24 22	
F. N. Phelps.....	Rodman.....	Salary..	25	3 50	.....	87 50	
Even I. Evens.....	Rodman.....	Salary..	30	3 50	.....	105 00	
Earl Phelps.....	Rodman.....	Salary..	8	3 50	.....	28 00	
Charles H. Denslow.....	Chainman.....	Salary..	7	2 00	.....	14 00	
F. N. Phelps.....	Chainman.....	Salary..	7	2 00	.....	14 00	
J. T. Comstock.....	Chainman.....	Salary..	30	2 50	.....	75 00	
Ebenezer Harrington.....	Chainman.....	Salary..	40	2 50	.....	100 00	
Ebenezer Harrington.....	Axman.....	Salary..	6	2 00	.....	12 00	
Eugene Dustin.....	Axman.....	Salary..	7	2 00	.....	14 00	
E. Buck.....	Axman.....	Salary..	40	2 00	.....	80 00	
George Yordon.....	Axman.....	Salary..	10	2 00	.....	20 00	

R. I. Churchill.....	Axman.....	Salary..	7	2 00	.....	14 00
F. C. Phelps	Axman.....	Salary..	30	2 00	.....	60 00
Robert Jones.....	Axman.....	Salary..	30	2 00	.....	60 00
Charles Denlow.....	Axman.....	Salary..	12	2 00	.....	24 00
Robert Dalton.....	Axman.....	Salary..	12	2 00	.....	24 00
George Phillips.....	Flagman	Salary..	30	2 00	.....	60 00
<i>Incidental expenses.</i>						
Miscellaneous .....	.....	.....	.....	.....	.....	\$2, 680 94
Total for Black River canal,	.....	.....	.....	.....	.....	\$363 85
	.....	.....	.....	.....	.....	\$3, 044 79

ONEIDA LAKE CANAL.

Marvin Porter.....	Division Engineer.....	Salary..	.....	.....	\$2, 400 00	\$50 00
Marvin Porter.....	Division Engineer.....	Travel..	.....	.....	.....	6 34
Total for Oneida Lake canal,	.....	.....	.....	.....	.....	\$56 34

EXTENSION OF CHENANGO CANAL.

H. T. Beach.....	Asst. engineer in charge,	Salary..	79	\$6 00	.....	\$474 00
H. T. Beach.....	Asst. engineer in charge,	Travel..	.....	.....	.....	12 81
William F. Lentz.....	Rodman.....	Salary..	3	3 00	.....	9 00
William F. Lentz.....	Rodman.....	Travel..	.....	.....	.....	3 80
Total for Extension of Chenango canal.....	.....	.....	.....	.....	.....	\$499 61

SUMMARY.

Erie canal.....	\$6, 326 22
Oswego canal.....	520 50
Cayuga and Seneca canal.....	714 55
Black River canal.....	3, 041 79
Oneida Lake canal.....	56 34
Extension of Chenango canal.....	499 61
Total.....	<u>\$11, 162 01</u>

Cable Towing.

The cable was laid between Syracuse and Utica in July last, and operations commenced in the latter part of the same month, and worked with indifferent success, to the close of navigation, and to the detriment of other methods of towing or propelling boats, and damage to the banks and walls on the curved portions of the canal.

It would increase the annual expenses in maintaining the banks and walls, that the tow boat would displace by coming in contact, in rounding the curves.

Cable towing is adapted only to broad and straight channels where the currents are too rapid for the ordinary methods of navigation by steam, and no doubt can be used to good purpose in such cases, but in a channel no wider than the Erie canal, with frequent curves, it can never be a success, should the State give this system preference over all other methods of navigation.

Should this system of towing be permitted it will result in great injury to the commerce of the canal, and a permanent damage to the State and city of New York.

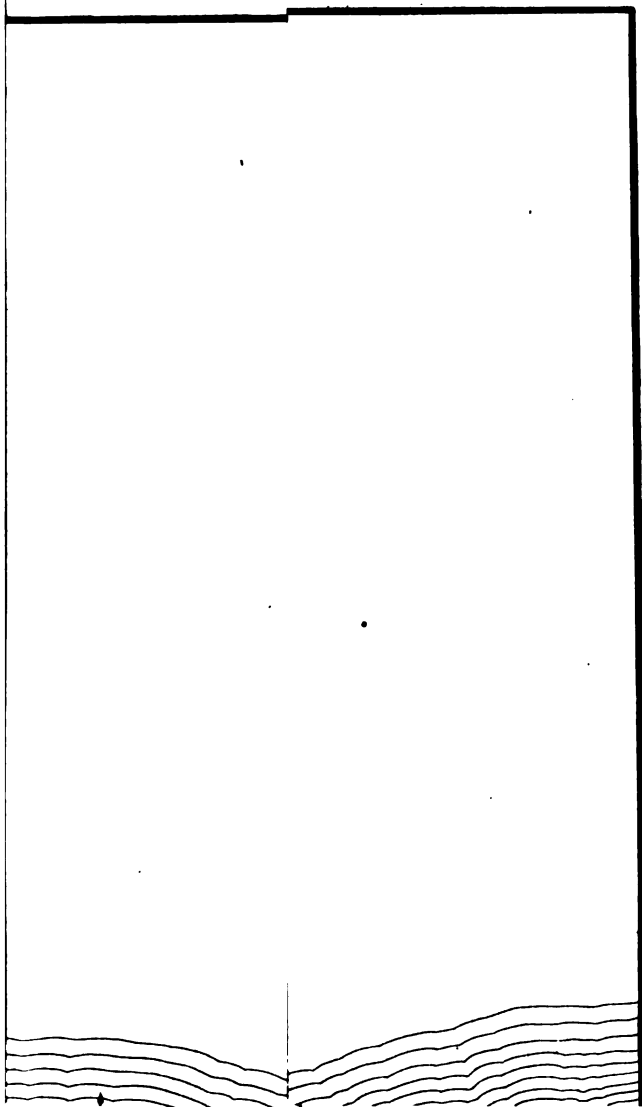
Engineering.

Besides the ordinary duties of this office, requiring frequent inspection of the canals on this division, and making plans for the use of the superintending department and overseeing the work while being done, examinations and surveys have been made for new reservoirs, and plans for reservoir dams, (the maps and plans of which are in progress); also making surveys and maps for the canal appraisers, to be used in the trials of claims against the State, and attending the trial of claims, when called upon by the appraisers. A large number of such maps have been made during the year. Much time has been required in making careful examinations of the nature and grounds of claims against the State, and the extent of the damages supposed to have been done.

At the close of the fiscal year the undersigned examined all the structures on this division, to learn the exact condition of each, taking notes for a careful report of the same, which is herewith submitted.

MARVIN PORTER.

Division Engineer.



WESTERN DIVISION.

ANNUAL REPORT OF THOMAS EVERSHED, DIVISION ENGINEER, FOR FISCAL YEAR ENDING SEPTEMBER 30, 1880.

ROCHESTER, N. Y., *October 1, 1880.*

HON. HORATIO SEYMOUR, Jr., *State Engineer and Surveyor :*

SIR. — In accordance with the regulations established by act chapter 169, Laws of 1862, in relation to the engineer department, I have the honor of presenting to you my report on the Western Division of the State canals for the fiscal year ending on the 30th of September, 1880.

Since the "Crooked Lake," the "Chemung" and the "Genesee Valley" Canals have been abandoned as such, the canals, slips and navigable feeders on this division have been reduced to the following:

	Miles.
Erie canal, from Hamburg street, in the city of Buffalo, to the east line of Wayne county	148.92
Five slips in the city of Buffalo, aggregate length	1.60
Genesee Valley canal in the city of Rochester	1.90
Genesee River feeder in the city of Rochester	2.25
Total.....	154.67

Artificial Unnavigable Feeders.

	Miles.
Tonawanda and Oak Orchard Creek Feeder.....	11.55
Genesee Valley canal from Cuba reservoir to lock 87 ...	7.65
Genesee Valley canal from Scottsville to Rochester	11.00
Total.....	30.20

The water from the Cuba reservoir is brought down a portion of the distance in the channel of Black creek, in Allegany county, and also in the Genesee river, which thereby become natural feeders, although not in themselves sources of supply to the Erie canal at Rochester.

The different sources of water supply for the use of the Erie canal on this division are:

1. Lake Erie at Black Rock.
2. Tonawanda creek at Pendleton.
3. Tonawanda and Oak Orchard Creek feeder at Medina.
4. Allen's creek through the Genesee Valley canal at Rochester.
5. Oil Creek reservoir through the Genesee River feeder at Rochester.

Lake Erie, which is received through different slips between the Lake and the Canal in the City of Buffalo, supplies the Canal to the village of Tonawanda, a distance of twelve miles, where it meets the waters of Tonawanda creek, near the confluence of that stream with the Niagara river.

The Canal follows up that stream for a distance of twelve miles where it leaves it, and passes through the deep earth and rock cuttings for a distance of seven miles to the city of Lockport.

Tonawanda creek, whenever its waters are in sufficient abundance to do so, supplies the canal eastward, when the supply is not sufficiently large to answer this purpose (which is generally more than half the time during the season of navigation); the deficiency is made up from Lake Erie, which then reverses the natural current in that part of the creek used as a canal, viz., between the villages of Tonawanda and Pendleton.

At Lockport the canal descends fifty-seven feet to what is called the "long level," which is $62\frac{1}{2}$ miles in length.

At Medina, $16\frac{1}{2}$ miles east of Lockport, is the

Tonawanda and Oak Orchard Creek Feeder.

To supply this feeder the waters of Tonawanda creek are diverted into the valley of the Oak Orchard by means of an artificial cut, and thence down that stream to about one mile above the village of Medina, when it is taken through a mill-race and thence into the canal.

	Mile
The excavated channel from the dam across the Tonawanda creek to the Oak Orchard, is.....	4.0
Through the improved channel of Oak Orchard creek, is...	3.5
The natural channel of Oak Orchard creek.....	3.2
The race-way in Medina.....	1.1
Total miles	11.8

The excavated channel should be cleaned out and some bar removed.

The usual supply to the Erie is about 1,600 cubic feet per minute during the summer months.

This feeder is particularly useful in helping to fill the canal in the spring of the year at which time the supply is several times larger.

At Rochester, on the west side of the Genesee river and near the eastern end of the long level, the Erie canal receives the water from

Allen's creek, which is brought down the otherwise disused portion of the Genesee Valley canal from Scottsville, a distance of nearly eleven miles.

Since the abandonment of the Genesee Valley canal, it is necessary to bring in the water of Allen's creek to keep sweet that portion of the Genesee Valley canal which lies in the city of Rochester, which being on the same level as the Erie canal cannot be drained, and the water of which, if it was not renewed in this way, would become putrid and endanger the health of the inhabitants of that portion of the city.

The Erie now receives from this source about 1,200 cubic feet per minute; it was about 2,300 cubic feet per minute when the whole supply from the Genesee Valley canal came in; before the abandonment.

Genesee River Feeder.

The water from the Genesee river feeder enters the Erie on the east side of the river in the city of Rochester, it is about $2\frac{1}{2}$ miles in length and has at its upper end a dam which is so constructed that when not in use to force a supply from the river into the feeder, allows the water to flow almost as free as though no dam existed; when in use flush boards are put on and the dam raised above the level of the water in the canal.

The supply through this feeder is about 1,400 cubic feet per minute during the summer months.

The source of supply is from the Cuba and Rockville reservoir in Allegany county.

These reservoirs contain about 560,000,000 cubic feet or 4,300 cubic feet per minute during the three months in which it is drawn to supply the Erie.

The water from the Cuba reservoir is allowed to flow through the Genesee Valley canal for a distance of about seven miles, where at lock 87 it is turned into the channel of Black creek, which at that point becomes large enough to receive it without danger of overflow, following down this creek to its mouth, it mingles with the waters of the Genesee river, and again at the head of the feeder a sufficient amount is taken out of that stream to make together with that received from Allen's creek, the amount, or nearly so, furnished by the reservoir above.

The inhabitants of this part of the city, through which the feeder runs, have complained and with some reason, of the insufficient current in the feeder as causing sickness in those years when it was not in use during the summer months. Occasion for this did not occur last season nor will it occur in the future, since the amount of water formerly received through the Genesee Valley canal will have to come through this feeder.

The banks are too low and should be raised three feet and riprapped on the river side, the estimated cost of which is \$12,000.

The above is the most easterly of the feeders which supply the water for the Erie canal on this division.

There are still fifty-four miles of canal east of this point.

The Supply of Water.

Last winter the capacity of the feed gates at the guard lock at Black Rock was increased one-third, consequently notwithstanding the low stage of water in the lake and the unprecedented large number of boats navigating the canal during the hottest months of the year, no difficulty was experienced in getting a full supply of water to Lockport.

East of that point, however, some trouble was found in keeping up the water to the true height on the middle portion of the long level, occasioned by the filling up of the canal with sediment and consequent large growth of eel grass hindering the flow of the water.

On this portion, however, there was no delay to navigation from grounding of boats.

On that portion east of Rochester, for some years past there has been difficulty during the time of greatest evaporation, in keeping up the lower ends of the seventeen and twelve mile levels, but by regulating the water below the Clyde lock so as to be two inches below high water mark, and economizing the water as much as possible in drawing in and flushing out boats at the four lower locks as recommended in my last report, care being also taken in distributing the water used by the mills at Newark more evenly throughout the twenty-four hours, there have been no boats hindered on this portion of the canal by low water during the present season of navigation.

Dams.

There are five of these structures in use for the Erie canal.

One across the Tonawanda creek near its mouth. It raises the water about four feet, and is composed of timber, brush and gravel. It has two abutments and a pier of cut stone masonry. The length of the dam proper is 112 feet.

Between the pier and the north abutment is a bulk-head containing twelve gates of four by five feet each, used to assist in discharging the waters of the creek in time of floods. This bulk-head is protected from ice by a line of piles which extend up stream to the shore. It was built in 1839.

The dam portion has become very much out of repair. Timber and stone have been ordered for its renewal.

The Tonawanda and Oak Orchard feeder dam is the same kind of structure as the above, is 150 feet long and raises the water about three feet.

It also was greatly out of repair; some of the timber work built in 1838 was gone entirely; some of the stone were gone (stolen).

It has been put in complete repair this summer, as well as the masonry of the bulk-head in the cut near this dam, and of the

bridge at the Batavia road. In both of the latter instances stones were also missing.

The Genesee river feeder dam at Rochester is built of timber and plank on a rock foundation. It has cut stone abutments, also a bulk-head of cut stone, with three gates.

These gates have been renewed this year. In the dam three of the timber beuts which go to form the sluice ways in the dam are gone entirely, and should be replaced. Other repairs are needed, both to the masonry and woodwork. The embankment connecting it with the shore at its west end requires raising three feet and should be faced with rip rap.

The Cuba Reservoir dam or embankment holds back the water of the reservoir (which has an area of water surface of 600 acres); it is 2,200 feet long and 65 feet in height where it crosses the creek channel.

To control the passage of the water into the feeder below, there are two pipes, each 20 inches in diameter, provided with the necessary stop-cocks, etc., passed through the base of the bank.

There is a small house over the stop-cocks.

The dam, valves, pipes and gate-house are in good condition, the latter having been recently repaired.

After leaving the pipes the water flows down a feeder for three-quarters of a mile into the Genesee Valley canal, and by that channel into the Genesee river, as before mentioned.

To take off the waters of the creek, after the reservoir is full, there is a small dam and waste-weir placed at some distance from the main dam, and discharges into a small creek which, in its turn, discharges into Oil creek, some four miles below the main dam.

Locks.

There are twenty-three locks, in all, on this division, besides the weigh lock at Rochester, as follows:

Fourteen double lift locks, which all lock down toward tide water. They are 110 by 18 feet in the chamber, with various lifts, as follows:	
No. 53, $1\frac{1}{4}$ miles west of Clyde.....	4.755
No. 54, At lock Berlin.....	7.560
No. 55, In the village of Lyons.....	6.251
No. 56, "Poor-house," $1\frac{1}{10}$ miles west of Lyons.....	9.848
No. 57, In the village of Newark.....	8.028
No. 58, In the village of Newark.....	8.004
No. 59, In the village of Newark.....	8.002
No. 60, $\frac{8}{10}$ miles east of Macedon.....	9.886
No. 61, In village of Macedon.....	6.601
No. 62, $2\frac{1}{4}$ miles west of Pittsford village.....	8.807
No. 63, "Miller's," in village of Brighton.....	8.719
No. 64, "Sipple's," in village of Brighton.....	10.108
No. 65, "Reservoir," in city of Rochester.....	10.102
No. 66, 1st lock in city of Rochester.....	8.859

Carried forward..... 115.330

Brought forward	115.330
Five double combined locks at Lockport, No. 67 to 71 inclusive, 110x18, total lift is about 57½ feet.....	57.427
One guard lock at Sulphur Springs, above Lockport; it has one chamber 110x20 feet, with two additional head gates of similar character to lock gates. These, as well as the lock itself, usually stand open, being only shut when there is a flood in the creek and in the winter season.	
One "river lock" at Tonawanda, a lift lock connecting the Niagara river with the canal; it has a chamber 110 feet by 18 feet; the rise is generally about four feet.	
One double chamber guard lock at Black Rock, 112 feet by 20 feet; the lift, together with the fall in the harbor, is about two and a half feet, varying with the stage of water in the lake; taking low water as per United States engineer's record, it is	2.425
Between the locks is a large bulk-head filled with gates, to regulate the water into the canal.	
One single chambered ship lock between Black Rock and the Niagara river, 200 feet by 36 feet; it usually has a lift of about three feet, varying with the stage of water in the lake and river.	

Total lift	175.182
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By adding to the above lift of the locks the surface descent on the different levels, we get the total rise on the division.

On the Montezuma level, between the Richmond aqueduct and the Clyde lock, is 0.524, but should be only.....	.196
(there being at present 0.328, or four inches too much.)	
On twelve-mile level, upper lock at Newark and Macedon lower lock.....	.165
On seventeen-mile level, Macedon to Pittsford .....	.343
On three-mile level, Pittsford to Brighton.....	.063
On long level, Rochester to Lockport.....	3.165
On level from Lockport to Black Rock.....	1.239

Total rise going west.....	180.352
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There is one weigh-lock, situated in the city of Rochester; it is in good condition.

That of the other locks are as follows:

Masonry and foundation.

The following repairs were made on locks last spring:

On lock 61, the "big level" was dressed off to the line of the lock wall; this had not been thoroughly done before, and boats were damaged thereby.

Locks 63, 67, 68, 69, 70 and 71 were pointed up with English Portland cement.

At lock 62, the towing-path lock was repaired by having new planking and binders in the foundation, which were also thoroughly grouted up between the timbers.

The south race-wall opposite lock 70, at Lockport, was grouted and the leakage of water through it nearly stopped.

The masonry of all the locks needs attention; those not already attended to, should be thoroughly pointed up and otherwise repaired where needed. All the locks and the walls should be thoroughly braced apart in the winter, as most of them show the effect of frost in pushing the walls forward, and in some instances certain boats larger than usual are barely able to pass. This is particularly applicable to the Lockport locks, all of which have been considerably narrowed up.

At locks 54, 60, 66, 67 and 69, berme-side locks, at 58, 67, 68, 69, 70 and 71, tow-path side locks, the foundations require renewing as regard the planking and binders, and the spaces between the timbers concreted and grouted afresh.

In many of the locks the stone work at the head is worn away and broken off, the needed measurements should be taken during the suspension of navigation, for the stone necessary to repair them, which could be procured during the summer and put in the spring following. Some repairs are reported as being required in foundation of the ship lock, at Black Rock; how much cannot be ascertained until an examination can be made by diver or otherwise.

Lock gates.

Three new sets of lock gates were inserted at Lockport last spring. The usual amount of repairs were made in all the gates on the division. New gates will be required on the following locks:

Lower gates at locks 53, 54, 55, 56, 57, 63 and 70.

Upper gates at locks 53, 54, 66, 70 and 71.

Tumble-gates at locks 57, 58, 59 and 60.

New mitre-sills in number 66 berme, 67 berme and 67 towing-path side locks.

Other partial repairs of lock gates and mitre-sills are also necessary.

I would recommend putting on pieces for the top of the gates to shut against on the Lockport locks; this will save both the gates and time of lock-tenders, and thus hasten the lockage of boats.

Bills of timber have been prepared for the above, as well as the protection piles at the head and foot of the guard lock at Black Rock.

Valves.

A number of cast-iron valves were brought from the Chemung canal on to section eight, for use on that section.

On section nine the valves are much worn and many of them should be replaced by new ones.

On the Lockport locks the culvert and other valves require a large amount of repairs to put them in first rate order and save leakage. On the tier which is used for locking boats up, much time will thus be saved, as the current formed by the leakage is found to be a serious impediment taking much power and time to overcome where the space is so small between the boat and the sides and bottom of the locks for the passage of the water as in these locks.

New stop timbers are required at Lockport locks and at the guard lock, Sulphur Springs, to shut off the water for spring repairs.

Aqueducts.

There are four in number, one at Lyons, Palmyra, Rochester and Medina.

Those at Lyons and Palmyra have wooden trunks.

That at Lyons should have the timber work renewed, part of which is on the ground and the rest contracted for.

At the ends on the berme side of the one at Palmyra, there should be piling driven and walls built.

Those at Rochester and Medina are of cut stone throughout.

The side walls of the trunk of that at Rochester were pointed up last spring with English Portland cement.

The bottom was cut down some years ago, and had a coating of tar preparation spread over it at that time. This requires to be replaced with something more durable and more water-tight. I would recommend two thicknesses of tarred felt covered with a coating of Portland cement.

The Medina aqueduct leaks very badly on the north side. It should be stopped by digging down, and the use of concrete and grouting in the rear of the wall, and pointing up the front.

I would again call attention to the spillway over the sides of the Richmond aqueduct as being too low to suit the water on that portion of the Montezuma level which is on this division. It should be raised four inches; this will, however, necessitate the raising of the banks of the canal on that level for a portion of the way.

Waste-weirs.

There are twenty four waste-weirs on this division on the Erie canal.

They have been made to agree with the flow of water in the canal, and to regulate the same.

There should be three new ones on the long level between Rochester and Lockport, to insure safety at all seasons. These need not be expensive structures, as they can be put in when the ground is favorable, and they require no gates.

At Eagle Harbor the waste gates and a part of the weir were carried away in 1873, leaving only forty feet of spillway. It should have at least 100 feet. The gates should also be restored, as the

distance is so great between the two nearest gates on this part of the level as to be objectionable, the distance being 11 miles; altogether too far for safety in case of break or the necessity of drawing off the water quickly at this point also. No damage can accrue in doing this on the stream below, as the creek channel is a large one.

The timber work of the following named structures should be replaced by new — at Newark, Fairport, Cartersville, Brockport, Albion and Medina.

Some repairs are also needed on those at Johnson's creek, and Middleport and Lockport, also on the bulk-head on the feeder at Medina; bills of timber have been prepared for these repairs.

The coping has been removed (stolen) from those at Middleport and Adams basin.

The masonry on almost all of these structures require to be repaired; this will have to be done during the suspension of navigation. I would recommend the materials be delivered on the ground during the summer months so as to be ready in the spring.

Stop Gates.

There are seven stop gates on this division of the Erie canal, as follows:

LOCATION.	Direction it holds the water to.	Style of gate.
Medina.....	West.....	Tumble gates.
Holley.....	West.....	Tumble gates.
Holley.....	East.....	Mitre gates.
Adams basin.....	East and west.....	Mitre gates.
Rochester.....	East and west.....	Mitre gates.
Cartersville.....	West.....	Tumble gates.
Bushnell's basin.....	East.....	Tumble gates.

The masonry of all these Stop gates requires repairs and pointing up, and the foundation of the one at Adam's basin grouting; the timber work of the cribs at each end require renewing above water and the cribs taken down and straightened up, etc.; new booms have been placed on each side of some of them.

New side gates were put in the one at Bushnell's basin, last spring.

There should be three more Stop gates on the "long level," between Rochester and Lockport, as the distances are so great between those already existing, that in case of a break occurring it would cause a large amount of damage before the water of the Canal could be drawn off. Stone ready cut can be procured from the two lower locks on the Genesee Valley canal.

Bridges.

There are 218 bridges over the Erie canal, and slips, as follows:

- 69 of wood.
- 18 of wood, with lower chords of iron.
- 102 of cast iron.
- 13 of wrought iron.
- 1 of three spans, two spans of wood with lower chords of iron and one span of wood.
- 2 of three spans, two of wood and one of cast iron.
- 1 of two spans wood, with lower chord of iron.
- 1 of three spans of wood, with lower chord of iron.
- 1 of three spans of wood.
- 6 swing bridges of wrought iron.
- 2 lift bridges over slips, wrought iron.
- 2 draw-bridges of wood over slips.

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This is one less than last year. The cast iron "Swartz Patent" bridge over the Hamburg canal, at Louisiana street, Buffalo, having fallen down in June last has not been replaced except by a temporary structure with bents in the canal, on account of contemplated city improvements making a change in the abutments necessary.

Besides the above there are three wooden truss-bridges over the State ditch at Tonawanda, and one over the Tonawanda and Oak Orchard feeder, near its head.

Also fifty-two bridges over State ditches, viz.: Twenty-five road and twenty-seven farm bridges. These are mostly small, with one span and without masonry abutments.

New Bridges.

No. 3, "Waldruff's," No. 6, "Sigman's," and No. 89, "Four-mile Grocery," have been rebuilt of wood during the last year.

No. 70, at tow-path change near the weigh-lock in the city of Rochester, has had the center pier taken out; it is now of one span of 137 feet, and is made of wrought iron.

No. 196, at York street, in the city of Buffalo, the center pier has also been removed and the bridge rebuilt of wrought iron, with one span of 176 feet. It has two wide sidewalks for the passage of canal teams.

No. 198, the old wooden bridge over slip number three, in the city of Buffalo, has been replaced by one of cast iron from Cummingsville, on the Genesee Valley canal.

No. 184, "Cherrys," has been replaced by a new one of wood with lower chords of iron, brought from No. 55.

No. 183, "Three-mile," has been renewed, using the span which was put up at York street three years ago; it also has lower chords of iron.

The change bridge at Palmyra, No. 35, having fallen down, it has been replaced by the cast-iron one from near the weigh-lock at Rochester, which was altered over to suit; it has had new wrought-iron floor beams added, and it is now in first rate order.

Bridges from the Genesee Valley canal have been also altered over:

One brought from Mount Morris for No. 26, "Allerton's," with new wrought-iron floor beams added; it is on the ground and will be erected during the suspension of navigation.

Also one brought from Mount Morris for No. 38, "White's" highway, having also new wrought-iron floor beams.

One from Hinsdale will be erected in place of old wooden one at No. 96, "Hiscocks," with wrought-iron floor beams, altered over from those of the Louisiana street bridge, Buffalo, which has fallen.

No. 11, "Goetzman's," will be renewed with wood, having lower chord of iron from old York street bridge, Buffalo, and new iron needle beams.

No. 28, "Sweezy's" farm, a wood bridge will have iron lower chords from Genesee Valley canal at Hinsdale, and be new wooded this fall or winter.

Wrought iron floor beams in place of decayed wooden ones, have been inserted in the following bridges:

No. 46, Main street, Fairport.

No. 115, Holley; these were brought from the old Genesee street bridge, Buffalo.

Similar floor beams should be inserted in the following bridges: Nos. 63, 67, 114, 126, 139, 145, 158; of these,

No. 114, "Frisbies," old canal Holley, the wooden beams can be replaced by iron ones taken from the fallen Louisiana street bridge.

No. 139, Church street, Medina, from those which belonged to the cast iron bridge brought from Mount Morris, on the Genesee Valley canal, supplemented by two new ones.

No. 158, Chapel street, Lockport, in the same way by those brought from Hinsdale, supplemented also by two new ones.

A large number of the wooden bridges require to be renewed, plans for wrought iron superstructures are being prepared in this office for the following:

No. 9. "Lock Berlin," highway.

No. 14. "Coles," highway.

No. 20. "Parks," highway.

No. 21. "Moshers," highway.

No. 22. Tow-path change east of Newark.

No. 31. "Galloway," highway.

No. 39. Tow-path change and highway.

No. 130. Gaines Basin, highway.

No. 146. "Williams," highway.

No. 148. "Hurds," highway.

No. 111. "Miners" highway. The present cast-iron bridge now at this point, which is too long for the place it occupies, and rests on small pieces of masonry back of the abutments, is to be

taken to replace a decayed wooden one at No. 133 "Allen's" highway, the saving in the extra length of new bridge paying the expense of so moving it, a new wrought-iron one taking its place.

In consequence of the very heavy loads now being drawn by wagons in the city of Buffalo (some of the three-horse wagons and load, driver, etc., weighing between twelve and thirteen tons), it has been thought advisable to take down the two bridges, No. 204, Commercial street, and No. 207, Lloyd street, and replace them with stronger bridges of wrought-iron, they now being the same kind of bridge which fell down at Louisiana street in that city this spring.

The superstructure of the following bridges will have to be renewed another year, as they are far decayed:

Nos. 1, 2, 7, 8, 11, 12, 13, 19, 27, 28, 29, 39, 49, 110, 112, 129 and 192.

The following bridges require repairs of superstructure:

Nos. 5, 11, 18, 24, 25, 26, 32, 34, 35, 43, 44, 45, 49, 54, 58, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 85, 86, 94, 96, 98, 99, 111, 114, 116, 117, 119, 120, 121, 124, 125, 126, 127, 128, 131, 134, 135, 136, 138, 139, 140, 142, 144, 145, 147, 149, 151, 152, 154, 156, 158, 159, 161, 162, 163, 164, 166, 167, 168, 189, 190, 191, 200, 204, 205, 206, 214, 215, bills of timber for which are being made out in this office.

Masonry of bridges.

The bridge abutments on this division are very much out of repair. Some years ago boatmen were in the habit of using a hook or grappling iron, and many stones were displaced by the habit of hanging on to the abutments with these hooks; in some instances the stones were thrown down into the bottom of the canal, where they yet remain; in others, they have been stolen for horse-blocks and doorsteps. In no case have they been replaced. The lack of care in this respect is to be deplored.

Some of the berme abutments have been struck by boats and the masonry thereby shattered. A small force of masons in a boat, with proper appliances and materials, would, in one or two seasons make this good.

The following bridges have the masonry injured, the stone is a hand, merely requiring to be replaced; the abutments should be properly pointed up:

Nos. 7, 8, 12, 13, 14, 22, 26, 54, 55, 58, 90, 91, 97, 100, 104, 108, 112, 113, 119, 120, 126, 130, 131, 135, 138, 141, 142, 143, 146, 148, 150, 151, 152 and 155.

At the following bridges some stones are gone, mostly stolen, although some are in the bottom of the canal:

Nos. 1, 2, 3, 4, 5, 6, 9, 17, 19, 20, 21, 27, 29, 35, 41, 42, 43, 47, 48, 49, 50, 51, 56, 57, 59, 60, 61, 67, 69, 87, 88, 89, 92, 93, 94, 95, 96, 101, 103, 105, 106, 111, 114, 116, 118, 122, 124, 129.

132, 133, 134, 136, 137, 144, 147, 153, 154, 159, 169, 184, 185 and 186.

At the following bridges the berme abutments are shaken by the boats striking them. These bridges are at points where boats are exposed to the wind and the striking in some cases unavoidable. Piles should be driven to prevent future damage at the following bridges:

Nos. 3, 10, 21, 29, 35, 36, 38, 41, 42, 48, 49, 57, 58, 60 and 61.

The abutments of No. 198, tow-path bridge at slip No. 3, Buffalo, were taken down last spring and rebuilt; they were thoroughly tied together with iron rods.

The west abutment of No. 178, at Tonawanda, was tied back with long rods to anchor timbers to prevent further settling forward.

Last fall the south abutment of No. 152, "Millard's" highway, fell down; it was rebuilt this spring, and the bridge superstructure mended up and replaced.

Culver road-bridge No. 62. This bridge's south abutment has never been finished, requiring wings, also rip rap on each side of the approach, to prevent the wash of the adjacent "wide-waters" from encroaching on it, etc.

The banks also should be widened, they are both narrow and dangerous to teams using the road; several serious accidents have occurred at this place.

No. 192, Mill street, Black Rock, is on timber bents; as the bridge superstructure has to be renewed, the abutments of this bridge should be of masonry, so that every thing will be of a permanent character.

At number 176, the lift-bridge over Ellicott creek, there should be permanent abutments and a pier of stone masonry.

At number 204 Commercial street, the abutments are very much out of shape and likely to slide into the canal; they should be taken down and relaid before building the new superstructures on them; estimated cost, \$2,500.

The displacement of the coping on the abutment has the effect of allowing water to penetrate into the masonry; its chief object is thus done away with; it should in every instance be replaced.

No loose stone has been placed behind the masonry, between it and the earth backing in the rear at many of these abutments; consequently many are being displaced by frost action; in two cases the abutments have been anchored back by timbers run into the bank to prevent their going out entirely, and in several other cases they are liable to slide out if heavy rains should occur, and the water should get in behind them.

Culverts.

A thorough examination of the culverts on this division has been made this summer, a table of which, with their location, is appended.

They have been found to be generally in good order in regard to

foundations and trunks, but the wings are very dilapidated owing to the action of the frost thrusting out the masonry.

Some of these require immediate attention before the opening of navigation next spring.

On No. 121, near Wakeman's bridge, the foundation has sunk away and the masonry has cracked off for twenty feet in length, extending under the towing-path.

No. 82, west of Albion, one-half its length was carried away some years ago; a bank was made across the space, and the other end closed up; the water has since been sent through the next culvert, but that is insufficient; the water overflows the adjoining property in case of storms. It should be rebuilt.

On the mountain ridge a culvert at Murphy's farm, which brings down the water from the back ditch into the canal, was carried away some years ago; that part above water was repaired during navigation, that below should be, next spring.

I would recommend a horse escape be made here; this would also allow the adjoining farmers to water their cattle without trouble to themselves.

Many of the dive culverts are entirely filled up and should be pumped out and cleaned; it is much safer to do this while the water is out of the canal as then the pressure will be off and no risk incurred from leaks.

I would recommend that a steam-pump be employed each spring until the whole are examined and cleaned.

Some of the wooden trunks are found to be exposed to the air; the breast walls should be raised in each case so as to entirely submerge them.

All the masonry wants pointing up.

At all the culverts when repaired loose stone should be placed behind the masonry of the wings to drain off the water and prevent a recurrence of the thrusting out of the masonry by frost.

The following list shows the different kind of repairs needed:

As having stone gone from wings.

Nos. 28, 29, 33, 34, 35, 40, 42, 44, 45, 46, 60, 61, 84, 93, 100, 101, 105, 120, 125, 130 and 132.

As having wings forced out by frost, thereby requiring to be relaid:

Nos. 4, 10, 11, 12, 16, 19, 20, 22, 24, 27, 28, 37, 38, 39, 41, 43, 48, 49, 50, 51, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 112, 113, 114, 116, 117, 118, 120, 121, 122, 125, 126, 130 and 132.

Dive and other culverts requiring cleaning out:

Nos. 2, 3, 14, 15, 16, 17, 19, 20, 22, 40, 44, 47, 50, 51, 53, 73, 85, 86, 88, 89, 90, 91, 92, 93, 94, 104, 108, 111, 112, 114, 115, 117, 121, 125.

The Thomas creek culvert, number 26, was cleaned out this summer as well as the ditches leading to it, and a new rack made.

At number 33, just east of Pittsford lock, the foundation has been repaired.

Vertical Walls.

A stretch of vertical wall about sixty-five feet in length, situated on the south side of Commercial slip in Buffalo, fell into the same. The stones have been dredged out, the foundation piles driven and the wall replaced.

Another piece at the junction of Commercial slip and Erie canal, of about eighty feet in length, will have to be rebuilt; estimated cost, \$760.

About 150 feet in length opposite the Pratt Rolling Mill, will have to be taken down and the wall rebuilt; estimated cost, \$800.

The walls through the city of Buffalo and harbor of Black Rock are very much out of repair. Much of the stone forming them were taken from the adjoining excavation and have decayed.

A supply of suitable stone should be kept on hand for repairing these walls at such times as the subsidence of the water of the lake will allow it to be done.

At the Eight-mile grocery, west of Rochester, two pieces of vertical wall on the towing-path side were put in, without the knowledge of the proper authorities, by the owners of the adjacent groceries, using only the stone from the slope-wall; these walls have fallen down. They should be properly constructed and placed back so as not to encroach on the waterway.

In various villages the walls which have been forced out by the frost and fallen down have been repaired in the usual manner.

The cemented wall in the lower town of Lockport on the south side of the canal should be thoroughly grouted up and pointed, so as to make it thoroughly water-tight, as the water now floods the cellars of the adjoining buildings.

A supply of stone for the purpose of relaying the vertical walls in the different villages should be delivered in the winter months, ready for spring repairs.

The high vertical wall on the towing-path side of the canal, between slip number 1 and Erie street, in the city of Buffalo, has been set back so as to leave the towing-path of the same height as the rest, through that city.

Slope Wall.

A piece of slope wall about 150 feet in length, just below the lower Lockville lock, on the berme side, which had slid into the canal, was taken up and relaid last spring.

About the same length of heavy slope wall which protruded so far into the canal at the foot of the Upper Macedon lock, as to be in the way of boats, was set further back.

There is a piece at the foot of the guard-lock at Black Rock which is so far out that boats strike on it; it should also be set back.

Prism of the Canal.

The bed of the canal had considerable work done on it before the water was let in last spring, but the time was very short, owing to the opening of the canal at so early a day.

Probably, on the whole, not one-half as much was excavated as had accumulated in it during the year before.

The difficulty in passing the necessary amount of water from Lockport, for the first twenty miles has demonstrated more fully than ever the necessity of adopting some other means besides hand labor to remove the accumulation of silt.

I therefore recapitulate what I said last season on the subject of its removal by means of dredges, with the remark that not only can such work be made to restore the prism to its original area, but it can be done in such a way as to materially facilitate the passage of boats, by giving an extra depth under them in the center of the canal.

The bed of the canal has for many years been gradually filling up, the silt accumulation exceeding the amount annually taken out, or capable of being taken out by the means usually employed for that purpose, namely, hand labor done before the commencement of navigation.

"The survey of the canal made in 1876, when soundings were taken its whole length, and an estimate based on those soundings through this division made by my predecessor, gave—as necessary to restore the canal, not to its original size, but sufficient area for necessary water way for the proper passage of boats—a removal of 544,000 cubic yards of material.

"This western division is situated mainly on side hills. Frost and other elementary action, during the years which have passed since the enlargement, now some twenty-four years, have started the slopes on the berme side, carrying the slope wall with them.

"Independent of the relaying of many yards of slope wall, it would take much more excavation than the above-named 544,000 cubic yards to restore the prism to its original size.

"The 544,000 cubic yards may safely be augmented now to 650,000 cubic yards, four years having elapsed since the estimate was made, and estimating 30,000 cubic yards per year in excess of what has been taken out each spring.

"This large amount of material constantly accumulating shows the necessity of adopting some method of removal other than that hitherto employed."

The economy of doing this work by machinery during the summer months, over that of the spring of the year, is so well established, that dredges are in use for that purpose on almost all the other canals of this country, as well as in Canada and Europe.

The advantage to be derived from this method, besides its economy, is that the material can be used where it will do good in strengthening the banks, a thing which is very much needed in many places.

The necessary plant consists of a dredge, barges or boats with water-tight decks to carry the material away, boxes with hinged bottoms, into which the material can be dumped while on the deck of the boats, and a derrick for unloading the boxes and dumping the material on to the banks; also, a boarding boat for the men and teams.

On the Illinois and Michigan canal the cost of new dredge No. 2, hoisting crane, four boats and dump boxes therefor, together with the necessary teams and boarding boat, as gathered from the report of the Canal Commissioners and the superintendent of repairs, was \$15,522.13, of which \$9,000 was for the machinery for the dredge and land crane.

The hull of the dredge and woodwork of land crane were built in the state yard, as well as the four flat-boats and dump-boxes.

The cost of running the said dredge during the past season was \$9,127.90.

The superintendent, speaking in his report of the old dredge now called No. 1, says:

"It was repaired and put in operation early in the year, and has been successfully operated during the season at a total cost of repairs and running expenses of \$11,959.18; this sum includes new boiler for the land crane, which cost \$650, and repairing the boiler of the dredge. •

"I would here remark that the machinery of this dredge (No. 1) was purchased in 1861 from off the New York canals, it having been used on the enlargement of the Erie canal for two or more years, and the boilers of neither dredge or crane have been repaired during the twenty-one years they have been in use. The boiler for the crane we had to abandon altogether; but the dredge boiler has been repaired and is now in condition to last for a number of years to come.

"The estimate for the year 1881 may be considered about as follows:

"For fitting up and running the two dredges for eight months at \$2,400 per month \$19,200."

The annexed letter, written by the superintendent of the Illinois canal to Assistant Superintendent H. L. Fish of New York State Canals, will give other information on this subject. By this letter it will be seen that the actual cost of excavation is very near my estimate of twenty cents per cubic yard:

"DEAR SIR. — In reply to your inquiries I would say in regard to dredges; we have two, one that has been in use some years and one that you saw the machinery of at the Pound Manufacturing Company's shop in Lockport, N. Y., last winter, they are alike, both the same in size, about sixty feet long and so constructed that we can strip them so as to pass them through our locks and thus work them on any part of the canal. We have a land crane for each dredge run by steam to unload the dump-boxes; we have a boarding boat and four flat boats to carry the mud from the dredge to the

crane; on each flat there are fourteen dump-boxes, each holding the same amount as the dipper to the dredge, about one yard, or say one and one-quarter, making about fourteen yards of mud to each boat load. The flats are sixty feet long, with rake on each end, so that they will turn around at any point or place on the canal. Each dredge is manned with the following crews: One engineer, and one cranesman, one fireman, and two deck hands, besides night watchman, making six men; then there are two teams and two drivers, two steersmen and four deck hands to keep the decks of flat boats clean of mud with scrapers, and two nipper men to hook the nippers of the crane on to the boxes on the flat boat, making ten men; then there is the engineer and one fireman on the land crane, and one other man with a crab to hold the flats in place while unloading, making three men, and then the foreman over all, making a total of twenty men and two teams. One dredge thus manned will load from twenty to thirty boat loads per day, and unload the same outside of the canal banks, or from 300 to 350 cubic yards per day. It depends somewhat on the kind of work you are doing. If your cutting is deep enough so that you can take a dipper full at a lift it makes it much cheaper than to have to dip two or three times for each yard.

"Our dredges are a perfect success. We could not get along without them.

"The cost is about \$200 for each dredge for coal and oil and horse feed and other expenses. I expect it to cost \$1,200 per month to run each dredge and put out seven or eight thousand yards of mud each month, and sometimes more.

"Respectfully yours,

"WILLIAM THOMAS,

"General Superintendent."

The above report and letter corroborate also what I said last year in my report in regard to the length of time it would take to remove the deposit from the prism of the Erie canal on this division, viz.: six years with two dredges in constant use.

In cuttings and also on embankments (where it is allowable) by taking a full dipper cutting in the center of the canal, the prism area can be restored and at the same time give two feet more water under the boat than at present exists in the channel in which they generally float, leaving the berme side as it now is.

This extra depth will render the traction of the boats less and accelerate their speed (as has been shown in your last year's report on the trip of the steamer Emma and consort), where in nine feet depth of water the consumption of coal was lessened one-half and the speed at the same time increased one-half over what was found to be the case in seven feet depth of water, to the great gain in making the trip, as every mile so dredged would contribute to that end.

Allowing an area of two cubic yards to the foot run would make about twelve miles so deepened in the season of 200 days, by the excavation of 60,000 cubic yards by each dredge.

As there are about ninety miles on which work can be done in this way, it will take about six years for the two dredges to excavate the amount necessary to restore the canal to its former area, taking out at the same time the accumulation still going on, besides what will necessarily have to be done by manual labor during the time of spring repairs, around masonry, etc.

As will be seen by the report of the superintendent of the Illinois canal, one of the dredges has been in constant use for over twenty years without extraordinary repairs.

The graveling of the towing-path can also be done by the same dredges. It was never properly done in the first instance or kept up as it should be, it being a physical impossibility for six laborers with a repair scow to keep twenty miles of towing-path in good repair, and attend properly to the other things required of them.

There are a number of gravel pits which only can be got at by a dredge. For instance, there is a very good gravel bed at the head of Black Rock harbor, opposite York street, from whence that portion of the canal lying between the city of Buffalo, Black Rock and Tonawanda village can be graveled.

There is a fine bed of gravel at the head of White's island, in the Niagara river, about one-quarter of a mile from the river lock, from which the towing-path lying on Tonawanda creek could be graveled.

At Millard's, three miles east of Lockport, on the east side of the Irondequoit embankment, at a point three miles west of Newark, and at a point one mile west of Clyde, there are pits which, for various reasons, can only be got at to advantage by a dredge.

Canal Banks.

About four miles west of Rochester there is a berme bank which should be strengthened for a distance of 600 feet, and rip-rapped on the inside slope. Last year a narrow escape from a serious break took place, the bank on the outside sliding for about (70) seventy feet.

The banks at Bushnell's Basin are composed of an unctuous material very liable to slide.

To prevent breaks, the inside of the canal has been filled with gravel to such an extent as to reduce the water area, thus making it difficult to force water through to supply the canal below.

The outer bank slopes should be re-enforced, the prism restored to its original size, the sides sheet-piled, the bottom lined, and the whole placed beyond a contingency, as far as future safety is concerned.

About 150 feet of this work was done last spring, the plank delivered for the whole.

The stone, sand, etc., for lengthening out the culvert have been delivered. It is the intention to lengthen the culvert this fall, and finish the prism and the strengthening of the banks next spring.

A slide occurred this summer just east of where a break took place some years since in the towing-path, about a mile east of

Palmyra; the bank was loaded with stone. This bank is quite insecure, and it should be still further loaded on the outside. Where the break occurred the slope wall has never been replaced, on the inside slope of the canal; it should be next spring.

The banks east of Lockport, which were low and narrow, have been raised and strengthened; they still require to be rip-rapped on the inside and in some places on the outside.

In the rock cutting above Lockport, many stones have fallen into the canal from the piles above; they should be removed as dangerous to boats. Some stone above the bottom of the canal, for about a mile west of the Sulphur Springs guard-lock, were removed last winter.

A large number of stones, snags, etc., have been removed by dredge near York street bridge and in Commercial slip, in the city of Buffalo, to the future safety of the boats.

The embankment east of Pittsford lock has been strengthened and raised, and the outside loaded with stone.

Towing-path.

The towing-path on the division has not had the work done on it which is necessary to keep it in first-rate order. On Tonawanda creek it is very bad in the Spring and Fall, and should be thoroughly graded and graveled; excellent gravel can be procured in the village of Tonawanda, at a short distance from the canal. A dock should be prepared, at which to load the boats, unless the plan of doing it by dredge from the head of the island is adopted.

There are about two miles of docking on the creek, which it would be much cheaper to do away with and substitute rip-rap and turf, as on the rest of the creek.

That portion of the towing-path from Pendleton eastward, for about a mile, which was, during the enlargement, piled in an insufficient manner, should be thoroughly done by driving another row of piles in front of those already there and sheet-piling behind them. There are many places on the whole length of this division where the towing-path is worn away by the constant travel, so that the paving in the front angle of the towing-path is becoming loose; these should be filled up with good gravel.

Railing has been put up in front of the towing-path for a distance of 1,100 feet above the locks at Lockport, also from Erie street to slip No. 3, in the city of Buffalo, a distance of 2,400 feet; both are great protection for the canal teams.

Erie basin and Erie break-water.

This basin is situate at the entrance of Buffalo harbor; it contains about thirty-three acres of water surface. It was formed by inclosing a part of Lake Erie by the construction of a heavy break-water of cribs filled with stone, 2,244 feet in length, surmounted by

a wall of cemented masonry, and the whole protected by a foreshore of large stone and piles.

Last fall it was greatly damaged by a heavy storm; it should be repaired by replacing the present stone and adding others. The estimated cost of doing this is \$12,000.

The basin is protected on the north by a jetty of stone-work and piles, between which and the break-water is left an entrance of 500 feet. The south end is open to "Buffalo creek" or harbor. It has ten feet of water on the shallowest places above the rock, with a channel through it 300 feet wide and twelve feet deep. When it was constructed that was deemed sufficient depth for lake craft. Now the draft of the vessels is over fifteen feet.

Some of the owners of docks are asking that they may be allowed to move their wharves farther out so as to arrive at deeper water.

This basin was constructed for the purpose of allowing more harbor capacity, rendered necessary by increased canal business.

It is a question for the canal authorities or the Legislature to decide whether the owners shall be allowed to move their docks out or shall deepen the water by rock excavation, the contract of the State with the city of Buffalo being for ten feet of water only in the basin and twelve in the channel.

By moving the docking out, only thirteen feet of water will be arrived at, so that to admit of the approach of vessels of the largest draft now in use up to the wharves, rock excavation must be resorted to at any rate.

I am of the opinion that if the business of the canal continues to increase as it has done, that all the Harbor and Basin room already owned by the State will be required at a very early day for the use of canal boats in transferring freight and for other business.

Bird Island Pier.

A portion of the new crib extension of this pier washed away last fall for about 100 feet in length; it has been repaired.

Other repairs have been made, and more are needed; from four to five thousand dollars should be expended on this work in strengthening it where the ice has moved away the stone from the foreshore and rendered it weak, and otherwise repairing it.

Dredging in Buffalo.

All the Canals, Basins and Harbor belonging to the State contain about 145 acres, of that amount about 65 acres are in the Erie Canal, Slips and Basins, together with the Hamburg Canal.

The settlement of material in this area is very great, being equal to 30,000 cubic yards per annum, or six inches in depth over nearly all the space.

This is owing in a large degree to the emptying the city sewers into the canal.

In keeping this clear there is use for a steam dredge, dump barges and tug all the time during the season of navigation.

The harbor of Black Rock has also greatly filled up, so that there is in almost all its space scarcely any water, only a narrow passage being kept open for the flow of the water, and dredging has to be resorted to in it to enable steamers and barges to pass up.

A large amount of the material which is dredged in the port of Buffalo is carried by the force of the waves and current into this Harbor; the dumping ground should be moved to a point farther down the river.

Buffalo Sewerage.

In the last two reports I have had the honor to make to you, I have called your attention to the fact that all the sewage of the city of Buffalo is emptied into the State canals.

This summer the city engineer has perfected a plan for the collection of the whole of the sewage in a trunk sewer which shall intercept all the laterals before they arrive at the canal and pass it under the same in the lower part of the city where it can be done safely and cheaply, and also below the mouth of the tunnel by which the city is supplied with water.

This proposed plan has had the approval of two eminent sanitary engineers.

This is a question of importance to the State inasmuch as the deposit of the sewage matter is not only in the canal and basins in the city of Buffalo, but extends all the way to and for a number of miles below Lockport as is apparent from the appearance of the water; to the olfactory nerves, and the amount of silt deposited.

As the consent of the State authorities becomes necessary to the carrying out of the plan of the city engineer, I will endeavor to explain it.

The Hamburg canal is an extension of the Erie canal begun by the city of Buffalo, and turned over to the State in 1838. It is about 1 $\frac{1}{2}$ miles in length.

About 7,500 acres of the most thickly-settled portion of the city is drained into it, the principal sewer coming in at the extreme end.

The land given by the city to the State for this canal is 130 feet in width.

The canal was dug one hundred feet wide on top water line.

It is proposed to use 25 feet in width of this property on which to construct the sewer.

This will encroach on the top water line about nine feet, but as it is intended to have a vertical wall of heavy masonry in place of the earth slope under water, the room for boats will be increased rather than diminished; that is, a boat drawing six feet will lie three feet nearer the bank than it could before. Light boats about the same as before.

I would respectfully recommend that the city be allowed to make use of the twenty-five feet of the State land they require for this

purpose, seeing that the fee will still be in the State, and the benefits to the boatmen are to be so great by purifying the waters in the canal, and the State no loser in water area; provided, however, that the twenty-five feet be properly paved and fenced against encroachments, so that it can always remain for a wharf for the use of boatmen navigating the canal.

Navigation of 1880.

There has been no interruption of navigation on this division from any other cause than from sunken boats.

Unoccupied Lands.

There are quite a number of pieces of land no longer used by the State for canal purposes, which may be sold to the benefit of the State treasury. One piece in Rochester and four lots in Tonawanda and another in Medina, and some old lock-house lots in Rochester, I would mention in particular.

On the whole length of this division there are encroachments on the canal property constantly going on by corporations and individuals.

As the title of the State will lapse in a few years in some of these cases, and in a few months in others, I would suggest that legislative action be had on the subject, and that canal lands already encroached on be made subject to lease, and that those which cannot be used for canal purposes at any future time by reason of their distance from the canal and other reasons, be sold.

Genesee Valley Canal.

This canal was abandoned by the State as a canal nearly two years ago.

A large number of bridges have been removed and roads made across the prism in their stead; the aqueducts opened, sluices cut through the banks, etc., so as to make it impossible for it to convey the water which runs into it to where it would do damage to the adjoining land-owners.

A dam has been put in across the canal north of the Mount Morris guard-lock.

There are a number of things yet to do, viz.:

The construction of permanent earth dams at the guard-lock at Portville.

Putting a permanent dam across the spillway of the Rockville reservoir, in place of timber structure, now much decayed.

The lowering the head walls of the two upper locks at Rockville, to enable the water of floods to discharge more readily.

The Wiscoy feeder dam should be cut down, or the owner of the land on which it stands should exonerate the State from damages from future floods.

The renewal of bridges or making of earth crossings and construction of culverts under them, on those portions of the canal which are to be retained as feeders in case the sale of the canal is consummated to a railroad company.

All the iron bridges which will answer on this division of the canal have been taken down and altered over, to fit the abutments on which they are intended to go. There are five others which can be used on the Black River canal which might be removed.

Chemung Canal.

All the property on this abandoned canal has been sold. The dam at Corning has been taken down to comply with the law in regard to restoring the streams to their original state. Part of the docking at Corning, which was in a very rotten condition, is being taken away and the bank sloped and rip-rapped, as it was before the docking was built.

There are still several other things to do at the north end of this canal to make it safe for the future and leave it so that no more supervision will be necessary on the part of the State officials.

This department has been under the charge of Thomas Evershed and John Bisgood as division and resident engineers respectively.

I cannot close this report without bearing witness to the cordial spirit that has existed during the fiscal year between the officers charged with the maintenance of the canals and the engineering department. A mutual understanding, based upon the desire for the welfare of the canals, has existed, the same spirit acting throughout, from the Superintendent of Public Works at the head, to his minor subordinates.

It is with much gratification that I allude to this fact, as the hearty co-operation is necessary to the carrying out the trust reposed in both branches of the public service.

Very respectfully submitted,

THOMAS EVERSHED,

Division Engineer, Western Division.

Statement showing names, rank, number of days and compensation of engineers upon the repairs of the Western Division of the New York State Canals, together with incidental expenses during the fiscal year ending September 30, 1880, under act chapter 169, Laws of 1863.

ERIE CANAL REPAIRS FROM OCTOBER 1, 1879, TO SEPTEMBER 30, 1880.

NAMES.	Rank.	No. of days, etc.	Rate of compensation.	Amount.	Total.
Thomas Evershed.....	Division Engineer.....	Salary.	\$2,400 00	\$2,400 00	
Thomas Evershed.....	Division Engineer.....	Expenses.	.....	588 57	
John Bisgood.....	Resident Engineer.....	Salary.	2,000 00	2,000 00	
John Bisgood.....	Resident Engineer.....	Expenses.	.....	231 53	
W. N. Radenhurst.....	Assistant Engineer.....	\$14	\$5 per day.	1,570 00	
W. N. Radenhurst.....	Assistant Engineer.....	Expenses.	.....	59 98	
Calvin Shelton.....	Assistant Engineer.....	28	\$5 per day.	140 00	
F. K. Baxter.....	Leveler.....	285	\$4.50 per day.	1,057 50	
F. K. Baxter.....	Leveler.....	Expenses.	.....	55 50	
Edward E. Sweet.....	Rodman.....	31	\$3.50 per day.	108 50	
Edward E. Sweet.....	Rodman.....	Expenses.	.....	8 78	
					\$8,220 36
<i>Incidental Expenses.</i>					
Stationery.....				\$108 41	
Fuel, light and office rent.....				406 15	
Postage and telegraph.....				108 81	
Miscellaneous.....				201 28	
					824 65
Total.....					\$9,045 01

TABLE of Culverts, Western Division, Erie Canal, 1880.

No.	Repair Section.	STATION, ERIE SURVEY.		LOCATION.	Kind.	OPENINGS.		Founda- tion.
		Chains.	Links.			No.	Size—feet.	
1	VIII	29	36	West of bridge No. 1, Wayne county line.	Composite	3	3 by 4	Pile.
2	"	113	71	East of bridge No. 2, Pit lock	"	3	3 by 4	Timber.
3	"	172	91	One-half mile west of bridge No. 2	Box stone	1	3 by 3	"
4	"	255	55	Nearly one mile west of culvert No. 3	Arch	1	4 chord	"
5	"	295	85	A little over one-half mile from bridge No. 4	"	1	6 chord	"
6	"	387	23	Horton's culvert, west of railroad bridge	"	1	6 chord	"
7	"	502	73	Vanderbilt brook, east of Glasgow st. bridge No. 4, Glas- gow street, Clyde.	"	1	4 chord	"
8	"	...	...	Forty-one feet west of west chord of bridge No. 4, Glas- gow street, Clyde.	Sewer	1	2 dia.	"
9	"	554	40	Near glass works—east of Clyde lock No. 53	Iron pipe	1	10 chord.	Timber.
10	"	610	42	Immediately east of Clyde lock, Melvin brook	Arch	2	2 dia.	"
11	"	92	28	Above (west of) Clyde lock	Iron pipe	1	4 by 3	"
12	"	194	73	West of Clyde lock, Black brook	Composite	4	4 by 3	"
13	"	230	10	One-quarter mile east of L. Berlin	Arch	2	10 chord.	"
14	"	197	60	Twenty chains west of Cole's bridge No. 14	Composite	1	3 by 2	"
15	"	74	92	Nearly a mile west of Lyons' lock	Stone, box	1	3 by 2	"
16	"	134	20	Just east of Poor-house lock No. 56	Composite dive.	1	3 by 2	"
17	"	41	10	One-half mile west of Poor-house lock	Arch	1	4 chord.	"
18	"	100	5	One-quarter mile west of Mosher's bridge, No. 21	"	1	4 feet	"
19	"	212	15	One-half mile east of lower Lockville lock	"	1	8 feet	"
20	"	71	55	A little west of Newark W. W.	"	1	6 feet	"
21	"	260	...	Eighteen chains west from Sweezy's bridge No. 28.	"	1	6 feet	"
22	"	571	88	West of Galloway's bridge, No. 31	"	1	6 feet	"
23	"	664	...	A little east of Kent street, Palmyra.	Composite	1	3 by 2	"
24	"	49	30	Between upper and lower Macedon locks.	Box, wood	1	3 by 2	"
25	"	47	26	Above lock No. 61, upper Macedon discharge sluice	"	1	3 by 2	"

IX	26	533	40	Thomas creek, east of Fairport, W. W. 92 chains.	Composite.	4	4 by 3...	"
"	27	745	91	32.91 west of Fulham's basin bridge No. 47.	Box, wood.	1	2 by 2...	"
"	28	830	60	A short distance east of Wapping bridge No. 48.	Arch.	1	4 chord.	"
"	29	937	75	Under Bushnell's basin bank.	Arch.	1	6 chord.	"
"	30	1,011	...	Under Irondequoit bank, carrying waters of I. creek.	Arch.	1	23 chord.	"
"	31	1,154	...	A little east of Guernsey's bridge, Pittsford, No. 52.	Composite.	2	2 by 2...	"
"	32	1,179	60	A little west of bridge No. 53, Pittsford.	Timber-box.	1	2 by 1...	"
"	33	1,268	...	Nye's creek, one-third of a mile west of Sutherland's bridge No. 55.	Arch.	1	12 chord.	"
"	34	1,301	90	One-third of a mile west from No. 33.	Arch.	1	4 chord.	"
"	35	89	54	A little over a mile west from Pittsford lock No. 62, over Allen's creek.	Arch.	1	12 chord.	"
"	36	144	62	A little west of Donnelly's bridge, No. 59.	Arch. { Composite, 5 openings, } Box, wood.. } Iron pipe .. }	1	2 by 2. 3 $\frac{1}{4}$ by 2 2 dia...	"
"	37	185	77	Twelve chains east of Drake's bridge, No. 60.	Wood, box.	3	2 by 2...	"
"	38	202	5	25.93 chains east of lock No. 63, "Miller's Brighton"	Arch.	1	4 chord.	"
"	I	91	50	City of Rochester, under St. Paul street bridge.	Sluice stone, box.	1	3 by 4...	Rock.
"	II	140	...	City of Rochester, a little east of Fitzhugh street.	Arch.	1	3 chord.	"
"	III	165	...	West Main street, swing bridge.	Iron pipe.	1	2 dia	"
"	IV	185	...	Near Allen street.	Arch.	1	5 dia.	"
"	V	275	...	Near Saxon street, opposite Otis and Gorsline's factory.	Box sewer, wood.	1	3 by 2...	Timber
"	VI	...	...	Six chains 56 links w. of w. line of Lyell st. Br. Roch.	Wooden box.	1	2 $\frac{1}{4}$ by 3.	"
"	39	299	70	Deep hollow, near House of Refuge, east of Stopgate.	Arch.	1	10 chord.	Rock.
"	40	344	64	East of Rowe street bridge, No. 86.	Iron pipe.	1	2 dia.	"
"	41	404	45	A little east of Scott's bridge, No. 88.	Arch.	1	4 chord.	Timber.
"	42	430	20	Twelve chains, six links west of west chord of Scott's bridge, No. 88.	Arch.	1	4 chord.	"
"	43	650	10	Ten chains west of six-mile grocery bridge, No. 91.	Arch.	1	7 $\frac{1}{4}$ chord.	Timber & rock.
"	44	683	45	Eight chains east of Douglass bridge, No. 92.	Arch.	1	4 feet.	Timber.
"	45	724	33	Thirty-three chains west of bridge No. 92.	Arch.	1	4 feet.	"
"	46	899	...	One-half a mile from Hiacox's bridge, No. 96.	Arch.	1	4 feet.	"

TABLE of Culverts, Western Division, Erie Canal. — (Continued.)

No.	Repair section.	SECTION, ERIE SURVEY.		LOCATION.	Kind.	OPENINGS.		Founda- tion.
		Chains.	Links.			No.	Size—feet.	
47	IX	1,048	33	In village of Spencerport.....	Arch.	1	12.....	Timber.
48	"	1,086	40	Thirteen chains west of Amity street bridge, Spencer- port, No. 99.....	Composite.....	1	4 by 3.....	"
49	"	1,115	56	One-half mile east of Webster's East bridge No. 100.....	Arch.....	1	4 chord.....	"
50	"	1,150	14	Just east of bridge No. 100.....	Arch.....	1	4 chord.....	"
51	"	1,171	60	A short distance east of bridge No. 101, Webster's West	Arch.....	1	4 chord.....	"
52	"	1,277	....	Between bridges 102 and 103, Crissey's and Adams' basin.....	Arch.....	1	4 chord.....	"
53	"	1,290	....	Just east of Adams' basin bridge No. 103.....	Arch.....	1	6 chord.....	"
54	"	1,309	62	At Adams' basin waste-weir.....	Arch.....	2	12 chord.....	"
55	"	1,413	66	Near Brockway's bridge No. 105.....	Composite.....	2	4 by 3.....	"
56	"	1,520	22	A little west of Cooley's basin bridge No. 106.....	Composite.....	2	4 by 3.....	"
57	"	1,581	44	East of Brockport.....	Arch.....	1	4 chord.....	Rock.
58	"	1,640	57	Near Gordon's mill in the village of Brockport.....	Stone, box.....	1	3 by 2.....	Timber.
58†	"	1,771	42	A short distance west of waste-weir, Brockport.....	Wood, box.....	1	3 by 3.....	"
59	X	1,787	....	About one-half mile west of Brockport waste-weir.....	Composite.....	1	4 by 3.....	"
60	"	1,840	42	Just east of Danforth's bridge No. 110.....	Stone, box.....	1	4 by 3.....	"
61	"	1,879	90	Just east of bridge No. 110.....	Arch.....	1	6 chord.....	"
62	"	1,922	72	About one-quarter mile east of Miner's bridge No. 111.....	Composite.....	1	3 by 2.....	"
63	"	1,969	15	Sixty-four feet west of west chord of county line bridge No. 112.....	Arch.....	1	6 chord.....	Rock.
64	"	2,011	70	Twenty chains east of east stop gate, Holley.....	Arch.....	1	4 chord.....	"
65	"	....	....	Sandy creek under heavy bank, new canal at Holley.....	Arch.....	1	12 chord.....	"
65†	"	....	....	Old canal Holley, carrying waters of same creek, situated south of above.....	Arch.....	1	12 chord.....	"
66	"	2,054	20	Between Holley and McCarthy's bridges Nos. 115 and 116.....	Arch.....	1	4 chord.....	Timber.

67	"	2,107	15	One-quarter mile west of McCarthy's bridge No. 116.....	Arch.	.....	1	4 chord...	"
68	"	2,137	30	Just east of Tuttle's bridge No. 117.....	Arch.	.....	1	4 chord...	"
69	"	2,250	84	A short distance east of Hulburton bridge No. 119.....	Arch.	.....	1	12 chord.	Rock.
70	"	2,362	80	Between Hulburton and Brockville, 23 ch. 50 l. west of Hulburton bridge No. 119.....	Arch.	.....	1	4 chord...	"
71	"	2,369	92	Brockville, combined with waste-weir.....	Arch.	.....	2	12 chord.	"
72	"	2,451	80	Just west of Hindsburgh bridge No. 121.....	Arch.	.....	1	6 chord...	Timber.
73	"	2,554	93	Just east of Jaqueth bridge No. 123.....	Arch.	.....	1	4 chord...	"
74	"	2,615	60	One-half mile west of Jaqueth bridge No. 123.....	Arch.	.....	1	4 chord...	"
75	"	2,688	50	At quarry, close to Brailey's bridge No. 125.....	Stone, box	.....	1	24 by 24.	"
76	"	2,719	70	Just east of Hall's bridge No. 126.....	Arch.	.....	1	4 chord...	"
77	"	2,763	10	Albion waste-weir and culverts combined.....	Arch.	.....	2	12 chord.	"
78	"	3,773	67	Near Macy's mill, between bridges 126 and 127.....	Stone, box	.....	1	4 by 2...	"
79	"	2,806	10	Just west of Albion swing-bridge No. 128.....	Sewer	.....	1	.....	"
80	"	2,820	13	Sixteen chains west of bridge No. 128, Albion.....	Composite	.....	1	4 by 2...	"
81	"	2,850	35	One-third of a mile west of No. 80.....	Composite	.....	1	4 by 3...	"
82	"	2,864	70	14 ch. 35 l. west of bridge No. 81.....	Arch.	.....	1	4 chord...	"
83	"	2,889	27	Just east of Lattin's bridge No. 129.....	Composite	.....	1	4 by 3...	"
84	"	2,918	15	Between bridges Nos. 129 and 130, Lattin's and Gaines Basin.....	Composite	.....	1	4 by 3...	"
85	"	2,980	44	One-half mile west of Gaines' basin bridge No. 130.....	Composite	.....	1	4 by 3...	"
86	"	3,030	45	Otter creek, just east of Eagle harbor spillway.....	Arch.	.....	1	11 1/2.....	"
87	"	3,054	....	A short distance east of Eagle harbor bridge No. 131.....	Composite	.....	1	4 by 3...	"
88	"	3,075	25	A short distance west of Eagle harbor bridge.....	Arch.	.....	1	8 chord...	"
89	"	3,113	64	Between bridges Nos. 132 and 133.....	Arch.	.....	1	4 chord...	"
90	"	3,188	40	23 ch. 70 l. west of Long bridge No. 134.....	Arch.	.....	1	4 chord...	"
91	"	3,264	3	Near slaughter-house, below Knowlesville.....	Arch.	.....	1	4 by 3...	"
92	"	3,312	....	A little west from Knowlesville bridge No. 135.....	Composite	.....	1	6 chord...	"
93	"	3,320	35	In village of Knowlesville, a few chains west of bridge.....	Arch.	.....	1	4 chord...	"
94	"	3,388	85	One-half mile east of Fish creek culvert.....	Arch.	.....	1	4 by 3...	"
95	"	3,428	62	Fish creek.....	Composite	.....	2	12.....	Rock.
96	"	3,437	60	A short distance west of Fish creek, known as the Road culvert.....	Arch.	.....	1	19.....	"
97	"	3,498	43	Just east of Beal's bridge No. 136.....	Arch.	.....	1	4 chord...	Timber.
98	"	3,550	15	Near Hastings' bridge No. 137.....	Composite	.....	1	4 by 3...	"

TABLE of Culverts, Western Division, Erie Canal, 1880 — (Continued.)

No.	Repair Section.	STATION, ERIE SURVEY.		LOCATION.	Kind.	OPENINGS.		Founda- tion.
		Chains.	Links.			No.	Size—feet.	
99	IX	3,667	50	Sewer west of Shelby street bridge, Medina.....	Box, stone.....	1	2 by 2...	Rock.
100	X	3,739	87	Between Shelby street bridge and Jackson's bridge, No. 140 and 141.....	Composite.....	1	4 by 2...	Timber.
101	"	3,784	50	A short distance east of Jackson's bridge No. 141.....	Arch.....	1	6 chord.	"
102	"	3,848	57	A little east of Shelby's Basin bridge.....	Arch.....	1	4 chord..	"
103	"	3,879	15	Twenty-five chains west of Shelby Basin bridge No. 142.....	Arch.....	1	12 chord.	Rock.
104	"	4,016	72	One and three-quarter miles from last culvert (above Coon's old bridge).....	Composite.....	1	4 by 3...	Timber.
105	"	4,052	...	Just east of Vernon street bridge, Middleport.....	Composite.....	1	4 by 2...	"
106	"	4,071	...	Above Main street bridge, Middleport, leading to Delano's mill.....	Composite.....	2	3 by 24	"
107	"	4,075	65	Combined with Middleport waste-weir.....	Arch.....	2	12 chord..	Rock.
108	"	4,114	50	East of Williams bridge No. 146.....	Composite.....	1	4 by 3...	Timber.
109	"	4,199	15	Carries waters of Johnson's creek.....	Arch.....	1	9 chord..	Rock.
110	"	4,304	25	Just east of Hurd's bridge No. 148.....	Arch.....	1	4 chord..	Timber.
111	"	4,344	67	East of Reynale's basin bridge No. 149.....	Arch.....	1	4 chord..	Rock.
112	"	4,370	95	West of Reynale's basin bridge.....	Composite.....	1	4 by 3....	Timber.
113	"	4,417	96	At Mabee's, east branch of eighteen-mile creek.....	Arch.....	1	18 chord..	Rock.
114	"	4,465	23	Just east of mill pond above waste-weir.....	Composite.....	1	2 by 2....	"
115	"	4,493	80	West of Gasport bridge No. 151.....	Composite.....	1	4 by 4....	Timber.
116	"	4,610	45	Above Orangeport, 44 chains west of bridge No. 152....	Composite.....	1	4 by 4....	Rock.
117	"	4,630	...	Ninety-two chains east of Millard's bridge No. 153.....	Composite.....	1	4 chord..	"
118	"	4,664	65	About one-third mile west of culvert No. 117.....	Arch.....	1	6 chord..	Timber.
119	"	4,732	55	Ten chains west of Millard's bridge.....	Arch.....	1	6 chord..	"

120	"	4,773	80	East of Wakeman's bridge No. 154.	Arch.....	1	6 chord ..	"
121	"	4,810	60	Just west of Wakeman's bridge No. 154.	Arch.....	1	4 chord ..	"
122	"	4,840	92	Second west from Wakeman's bridge No. 154.	Arch.....	1	4 chord ..	"
123	"	4,897	...	Sluice crosses canal from Bissell's dry dock.	Wood, box.....	1	Berne 4 by 3. Gate in dock 2½ by 2½	"
124	"	4,952	93	Near Chapel street, lower town, Lockport.	Arch.....	1	4 chord ..	Rock.
125	"	4,963	95	At waste-weir, lower town, Lockport, west branch eight-mile creek.	Arch.....	1	12 chord..	"
126	"	...	...	Benedict's dry dock, lower town, Lockport.	Box, wood	1	4 by 4....	Timber.
127	"	218	74	Drop culvert at Murphy's farm, from State ditch to canal.	Box, stone.....	1	3 by 5....	"
128	"	302	80	Drop culvert at Hodginsville, running from State ditch to canal.	Box, stone	1	3 by 5....	"
129	XI	1,096	50	Six chains west of Bouck street bridge, Tonawanda, No. 180 at State ditch.	Composite.	6	4 by 3....	"
130	"	1,287	70	12.80 chains west of three-mile bridge No. 183.	Dive.....	1	4 by 3....	"
131	"	1,642	56	One-half mile east of guard-lock, Black Rock, carrying waters of Cornelius creek.	Composite.....	6	4 by 3....	"

TABLE of Culverts, Western Division, Erie Canal, 1880 — (Continued.)

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WESTERN DIVISION.

ROCHESTER, N. Y., *October 1, 1880.*

HON. HORATIO SEYMOUR, JR.,

State Engineer and Surveyor :

SIR.—I beg leave to present a map showing the great chain of Lakes, also of the existing canals which connect therewith, and the several surveys which have been made at different times for the same purpose, with a short description of each.

I have thought such a map would prove interesting at the present time, inasmuch as these canals are either feeders to, or rivals of, our own Erie canal.

The commercial supremacy of the State and City of New York very largely depends on the proportion of the exported and home consumed products of the Western States which pass through their borders, either by railroad or by water routes.

Lately, the amount of these products carried on the Erie canal has largely increased, partially in consequence of the demand for our cereals abroad, but chiefly from the renewed confidence felt by the boat-owners and shippers that their boats and freights would arrive at their destination in due season, without those delays which occurred so frequently before the introduction of the present system of management, which, throwing the responsibility on one head, has had such good result in keeping up an uninterrupted navigation with the full depth of water.

The above, together with the rapid increase of the production in the immense territory whose nearest way to the seaboard is through the Mohawk valley, would point to the very near approach of the time when this favorite water-way, the Erie canal, without further improvement, will have reached its utmost limit of usefulness. If this natural increase is not diverted to the north of it by the superior economy, by the use of larger vessels on the Canadian canals, or to the south by the way of the Mississippi river which now, by reason of the improvement at the mouth of that stream by Eads' jetties allows vessels of the largest class to ascend the stream to New Orleans.

Should the amount of traffic increase on the Erie canal in the same proportion as in the last three years, I venture to say that it will be barely four years before the extreme limit of its carrying capacity will be reached.



uld ask if it would not be well to anticipate that time by ing it, and thus add to the carrying capacity of its boats in f the sharp competition it is to encounter at a very early day al water routes.

deepening of it one foot, as has been shown by your report 8, will lessen the cost of transporting a bushel of grain one er bushel.

cent per bushel becomes a very serious factor in determining the by which grain will be sent between the grower and consumer. cent per bushel will, since the opening of the mouth of the sissippi, be quite sufficient to send a very large amount of grain ay of New Orleans; which would otherwise come by the north-oute through the State of New York, or through the Canadian

he danger of the diversion of trade from the New York route e latter was pointed out in my communication to you and ed in your report (two years ago).

becomes a serious question if New York city is to keep up her age as the greatest export city for grain on the continent, ther she must not have continuous cheap water communications reen the lakes and the Mississippi river, on which vessels of large can bring forward the grain from the region contiguous to the er waters of that stream, and whether, if this is not accomplished, greater bulk thereof will not follow the flow of the water to n Orleans.

ufficient time has hardly elapsed since the opening up of that r to build barges for and firmly establish the carrying trade of cereals in that direction. Every thing would go to show, how- r, that the exportation of grain by that route will continue to in-ase. It may absorb most of the grain grown west of the Mississ- i. In fact it is most likely to do so, if its natural advantages are all what are claimed for it.

If it is conceded that no means of transportation of heavy freights equal in economy to that by water, and that it consequently verns the rates of all transportation of the cereals from west to at, the necessity of looking to the present water routes between e Mississippi and the lakes, and studying the means of improving em and of looking for others, becomes apparent.

It will not do for the people of New York city and State, longer ignore the fact that something must be done in order to retain is trade in their direction, since the cost of transportation must be duced to the very lowest possible limit.

Hon. Wm. Windom, of Minnesota, in a speech in Congress as ong ago as 1878, says: "With the Erie canal, New York is one of he first commercial cities of the world. Without it she would be n danger of losing her proud pre-eminence. If the same wise and ourageous statesmanship which planned and executed that great work shall still guide her counsels, the teeming West will continue o pour her exhaustless treasures into the lap of the Empire City,

thereby enriching her people and contributing to the proud destiny due to her position.

"But no narrow policy on her part will retain and increase the trade now so evidently slipping away from her wharves. Her great water line to the West has hitherto supplied the cheapest internal transportation ever known on this continent, and has successfully met and vanquished all contestants. But a new and most formidable competitor has just entered the field.

"An open, deep and unvexed channel to the sea, draining the commerce of the West as naturally as it does the waters of twenty States, is an antagonist of no mean proportions. To meet it, New York must no longer rely upon the present advantages. She must not only give to commerce a free harbor and a free and improved canal, *but she must exert her powerful influence* for the removal of all obstructions and impediments to the movements of commerce on the Lakes. Nor will this be enough. To give the northern route its highest degree of efficiency and power, *the lakes and the Mississippi must be connected by an artificial water-way which will make the upper Mississippi the base of its commerce*, or it will soon cease to control, or even to share, the commerce of a large portion of the country west of that river.

"The merchants and business men of New York and the East appear to be aroused to the necessity of reducing the cost of transportation on the Erie canal, but they are apparently still oblivious to the necessity of extending their cheap line of water communication to the Mississippi.

"However important a free canal may now seem to them — and they cannot over estimate its value — it will not be long until they will agree with me, that the extension of their cheap route to the Mississippi river is still more important; once on the Lakes, the heavy and bulky products of the farm are reasonably sure to follow the water to the ocean; but this will be the difficult question soon to be encountered: '*How shall these commodities be induced to come to the Lakes from points beyond the Mississippi river?*' I repeat that, in the near future, they will not come at all, unless some means of transport cheaper than by railroad shall be provided." *

The wheat-growing portion of this continent now centers on the Mississippi river and its tributaries.

That which will be such in a few years lies contiguous to and north of the Northern Pacific railway, and is equally capable of sending its products over whichever route will convey it to the seaboard the cheapest, either by the river southward or by the northern route by way of the lakes.

The river route has been improved at its southern or seaboard terminus.

* The barge line on the Mississippi, instituted by Jay Gould, will, it is said, on the resumption of navigation in the spring, have transportation facilities of 2,000,000 bushels of bulk grain per month; and this is only one of the several barge lines in operation on the lower Mississippi river.

That by way of the Lakes should be improved at its western extremity.

There are two routes lying between the lakes and the Mississippi river, on which canals already exist, viz.: the Fox and Wisconsin River improvement, in Wisconsin, and the

Illinois and Michigan canal,

which joins the Illinois river to Lake Michigan; it receives its supply of water from the Lake, and is capable of being made one of the finest internal improvements on the continent, if not in the world; the time has now come when it should be enlarged.

I would respectfully suggest that you call the attention of the Legislature to this subject, that they may exert the influence of this State toward getting the General Government to finish the river improvement between the lower terminus of this Canal and its confluence with the Mississippi, and to enlarge the Canal itself.

This Canal, commencing in the city of Chicago, reaches the Illinois river at La Salle; it is 102 miles long, and is of nearly the same size as the Erie canal in this State, viz., 60 feet wide and 6 feet deep. There are fifteen locks; they are 110 feet by 18 feet, and 6 feet deep. The total lockage from the lake to the river at La Salle is $141\frac{3}{4}$ feet.

The Illinois river, from La Salle to its mouth, is 227 miles in length. It is to be improved by five dams and locks, so as to make slack-water navigation with seven feet of water. Two of the said dams and locks are already built by the State of Illinois. The locks are 350 feet by 75 feet.

Dredging has also been done by the United States Government (see report United States Engineers) in various places to improve the river.

Mr. Daniel C. Jenne, the Chief Engineer, speaking of this river improvement in his report of 1877-8, says:

"With the locks and dams completed, this river will become one of the most important channels of commerce in the United States. At all seasons of navigations, steamboats, propellers, tugs and barges, drawing six feet of water, can more successfully compete for the carrying trade than any other route between the Mississippi and the Lakes."

At a meeting held in Ottawa, Ill., March 18, 1880, on the subject of enlarging this Canal and finishing the river improvements, Governor Cullom says:

"The rivers, the Lakes and the Canals are the great regulators of transportation between the illimitable grain fields of the North-west and the Atlantic and Southern seaboard, on which are the doors of outlet to the markets of the world."

"Neither the lakes nor the canals on the one hand, nor the great rivers on the other, are used by all who have freights to send to

market; and, indeed, the growth of traffic on the rails and on the water-courses is much in favor of the rails; but yet the lakes rivers and canals are the refuge of shippers, as the necessary regulators of freights.

"These lakes and rivers are, if I may use the figure, legislative acts by a greater than any human legislator, and might be entitled *An Act of Nature*, to prevent extortion and unjust discrimination by railroad corporations doing business between the grain fields and stock farms of the West and the markets of the world. The proper improvement of our canal and river would do more than any method yet proposed in Congress toward the regulation of inner State commerce and the protection of all classes from the injurious influence of speculative combinations."

Engineering News, in its issue of June 5th, 1880, gives the following:

"The cost of enlarging the Illinois and Michigan canal and improving the Illinois river, so as to allow the passage of boats of 2,500 tons burden from Chicago to the Mississippi river, 327 miles, is estimated at \$18,200,000, or \$55,560 per mile."

The Erie canal has cost about \$90,000 per mile, with capacity of boat of only 250 tons, or one-tenth that of those proposed on the enlarged Illinois canal, as per above estimate.

The Fox and Wisconsin River improvement

is in the State of Wisconsin.

It consists of improving the two rivers whose names it bears, and connecting them by a short canal at a point where they approach each other quite close, and where a portage formerly existed.

In 1846, '49, '54 and '55, grants of land were made by the United States to the State of Wisconsin, "to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal."

The State began the work of improvement in 1848, and it was carried on by the State at first, and by a company under State authority until 1873, when it was purchased by the United States.

The Fox river, running easterly, empties its waters into Green Bay, an arm of Lake Michigan.

The Wisconsin river is an affluent of the Mississippi, running westerly, joining that stream at Prairie du Chien.

The length of the Fox River improvement, from Portage City to its mouth at Green bay, is 160 miles, including the four lakes through which the navigation passes.

It consists of forming slack-water navigation by the construction of dams and locks where required, the forming of short pieces of canal, and of dredging wherever it was necessary to resort to the same to deepen the channels, or to form new ones to cut off the worst bends on the river.

The length of the locks is 170 feet, the width 35 feet, the depth of water 6 feet on the miter-sills.

The width of the short pieces of canal is 100 feet at top water line,

with 6 feet depth of water. There are 10 miles of such canals, in all, including the $2\frac{1}{4}$ miles at the connection of the two rivers at Portage.

What is called the lower Fox river, or that portion below Lake Winnebago, is 35 miles in length; it has eighteen locks, with a total lift of 170 feet; also, nine dams; of these, five locks and seven dams have been rebuilt by the United States.

On this portion of the river, navigation for steamboats has been created where none existed before, owing to the rapids.

On the upper Fox river there are nine locks, including the guard-lock at the Wisconsin end of the Portage canal; also, seven dams. Of these locks, five are new, built by the United States; also, five of the dams.

In the improvement of the Wisconsin river, the system pursued by the United States engineers consists of reducing the width of the river by means of wing dams and dykes, and thus, by increasing the current, obtain a greater depth of water by scouring, the channel being sandy throughout.

There has been built, in all, 152 dams, with a total length of 68,489 feet, 8,189 linear feet of bank protection, besides other work accomplished since its commencement in 1871.

These works are in two sections; one from Portage City to a point below Merrimac, a distance of 24 miles, and the other from near Lone Rock to Boscobel, a distance of about 30 miles.

The original estimate for the cost of this work was \$3,745,663.

The amount of money, exclusive of former appropriations required for the entire and permanent completion of the work, is \$2,575,663.

The amount that can profitably be expended in 1881 is \$750,000.

For the above information I am indebted to Major D. C. Houston, of the United States Engineers, who has charge of the work.

This very important work can then be finished in three years, if the necessary appropriations are made by Congress.

The utility of this line of internal water communication cannot be known until it is fully completed, when it will be navigable for steamers with cargoes of 600 tons or about 20,000 bushels of wheat.

As in its very incomplete state it was of vast importance in developing the northern portion of Wisconsin, it is to be judged that, when fully completed and capable of floating vessels of the above-mentioned capacity, it will be a very cheap and efficient mode of conveying the cereals and other heavy freight from the valley of the Mississippi to the Lakes.

Northern Water Route.

This is a proposition to unite the two great north-western water systems by a canal from Lake Superior at Duluth, to the Red river of the North, thus adding several thousand miles to the navigation of the Lakes.

A canal is said to be perfectly practicable. It will be 383 miles in length, and will follow river channels for 346½ miles, and requires only 37 miles of independent canal.

A committee of the Duluth Chamber of Commerce, Messrs. Dan'l G. Cash and George R. Shuntz, (the latter a practical engineer who has traveled over the whole ground and is perfectly familiar with the most of it), have made a report on this proposed canal and an estimate of the cost, which has been published in pamphlet form, but is too lengthy to insert here.

The estimate for a canal eight feet in depth, with a width of prism of 82 feet at the surface, where an artificial canal is necessary, is \$3,792,000.

The Route is as follows.

	Miles.
From Duluth up the St. Louis river to the mouth of Flood-wood river, in part by slackwater navigation and in part by independent canal.....	66½
Across from the St. Louis river to the Mississippi river at the mouth of West Swan river canal.....	14
Up the Mississippi river partly navigable and partly improved by dams and locks to the outlet of Pogegama lake.....	53
From the mouth of the outlet of Pogegama lake to the mouth of Turtle river, the Mississippi is navigable for.....	100
Through a series of lakes and a summit, to Red lake.....	36
Across Red lake to outlet.....	20
From Red lake down the outlet of same to the Red river of the North near Crookston, by slackwater navigation....	94
Total.....	383½

Mr. Charles Whittlesey, of Cleveland, Ohio, a gentleman well known as a scientist as well as an accomplished engineer, who has spent some time in connection with the United States Geological Survey in the country through which this canal will pass, gives it as his opinion, in a letter to Hon. Alonzo Richmond, of the Buffalo Board of Trade, that there are no difficulties of an engineering character to overcome, and writes to Mr. Shuntz as follows:

"Your pamphlet, with estimates for a canal from the west end of Lake Superior to the navigable waters of the Red river of the North is received, and has been read with great interest. I was over your route in 1848, as far as Red lake. The engineering difficulties are remarkably few. Not long after I returned, Mr. Alanson Penfield, of this city, now dead, had many interviews on the subject of such a work, in reference to which he made some publications. Could not the members of Congress from Minnesota get an estimate from the engineer department of the cost of a survey of this and other routes, to be made by government officers? I was on all the summits over which your line passes, and several others. The one from

the head of the St. Louis to the Vermilion river is low; that between Lake Winnebigoishish and the heads of the Grand Forks of Rainy Lake river is very low; between Owl lake, at the head of Turtle river, and an easterly branch of Red lake, the water flows both ways.

My report at the time of the capacity of the Red river and Saskatchewan country for wheat, gained very little credence. All this is now demonstrated. To accommodate the immense future outflow of wheat from the country adjacent to the 49th parallel, I would suggest a canal of eight feet in depth. As full half the distance is lake or slack water, it should contemplate the use of steam entirely."

It would be well for the Legislature of this State to urge on the general government the utility of having a thorough survey made of this water route, which is entirely in the States of Minnesota and Wisconsin, but which, when the Red river is reached, will open up a continuous natural navigation beyond the limits of the United States of more than three thousand miles in length, stretching through and into the finest wheat-producing portion of the continent, communicating with a lake which almost equals in size Lake Erie, viz.: Lake Winnepeg, also with the smaller ones, Lake Winnepegosis and Manitoba, as well as the great rivers Assiniboine and the Saskatchewan, the latter as long as the Ohio and nearly as large. That the country, although lying north of the State of New York geographically is, however, quite as temperate, the season of navigation on those lakes and rivers in consequence is quite as long as that on the Upper Lakes, so called, and on the Erie canal.

"That the spring starts in from the north-west as early as it does from the south in the latitude of St. Paul, and moves rapidly down the broad valley of the Saskatchewan from three to six weeks earlier than in the latitudes four or five hundred miles farther south." (Report of Messrs. Cash and Shuntz.)

If such a large extent of navigation, besides five hundred miles in our own territory, can be opened up by a canal for the sum of \$3,792,000, or even twice or three times that amount, surely it is worth the small sum of money that a survey would cost to know for a fact that such was the case.

Mr. John Wilkeson, of Buffalo, a gentleman long and favorably known as connected with the lake trade and navigation, writes me at a recent date on what may be expected of this canal, and says:

"The hard wheat grown in Northern Minnesota and Dakota, and the Manitoba region, is worth in the market from eight to twelve cents more per bushel than any other wheat grown in America, and without it the best quality of new process flour cannot be made."

It abounds in gluten, while the wheats of California and Oregon are very deficient in it, a fact stated by an eminent German chemist recently.

That the wheat grown in the above-mentioned district can be

carried by the way of the lakes of that country, the Red river and a canal of this size to Duluth, for one-half what it can by rail.

That the wheat grown there will shortly be reckoned by the hundreds of millions of bushels, and it is easy to see that when the time arrives, such a water channel will annually save the expense of building it to the nation in the cost of its breadstuffs. If this navigation is constructed our canal (the Erie) will be sure of carrying the greater portion of the products of the North-west, as not much of them will take the roundabout course to Chicago.

As when grain is carried from Chicago to this city (Buffalo) it is apparent that no railway can profitably compete with the lakes, notwithstanding the extra distance on the latter of five hundred miles, then how much more apparent in the case of carrying from Duluth, where the distance by rail must be much more than by water.

When the Saint Mary's river has been deepened it is said that freights will be as cheap from Duluth as from Chicago to Buffalo, from the fact that Lake Superior is safer for navigation than Lake Michigan, as experience has proved.

The lake vessels, as the rivers are improved, are constantly of larger capacity. They are now actually being built large enough to carry 100,000 bushels of wheat. When one ship-owner builds an exceptionally large vessel, sail or steam, others in the business feel compelled to build large ones too, partly from a natural desire to excel their neighbors in this respect, but more from the fact that larger profits ensue by their use.

Saint Mary's Falls Ship Canal.

This canal is situated on the American side of the river of that name, between Lakes Huron and Superior.

It is constructed to overcome the rapids at a point sixty miles from the first and fifteen miles from the last-named lakes.

The rapids, or falls, as they are sometimes called, are about half a mile in length; the mean fall is eighteen feet.

From Lake Superior the fall on the navigable water is only about one-tenth of a foot. From the foot of the rapids to Lake Huron it is about two feet, distributed in a distance of twenty miles.

These rapids are, therefore, the only impediment to navigation between the two lakes.

After the discovery and working of the copper and iron mines on Lake Superior, or about the year 1845, these rapids were found to be so very serious an impediment to the prosecution of these enterprises that in 1850 Congress was induced to make a grant of 750,000 acres of land to the State of Michigan to defray the expenses of constructing a canal around them.

In 1853, a company was formed who undertook to construct for the State such a canal, the pay to be the grant of lands; it was begun

in that year, and in 1855 it was opened for navigation ; the cost of it was about \$1,000,000.

It was 5,400 feet long, 100 feet wide at top water line ; the sides were paved with stone where not through rock ; it had a depth of water of twelve feet at mean stage.

The locks were two in number, and were combined, each 350 feet long, 70 feet wide, with a depth of water on the miter sill of twelve feet ; the lift of each was nine feet, they were situated near the foot of the canal.

There was also a guard gate at the head of the canal.

At the time this canal was built it was deemed sufficiently large in every way to meet the needs of navigation ; the locks were large enough to contain a tug and three vessels of ordinary construction, which generally constituted a tow.

But by 1870 these dimensions no longer sufficed for the requirements of commerce on Lake Superior, only one vessel of the largest class could be passed through the locks at once, and that could not carry full loads with twelve feet of water in the canal, and the number of vessels had so increased that it became necessary to provide some method of more rapid lockage ; the slope walls were also found to be objectionable as they damaged the vessels below the water line.

In July, 1870, Congress made an appropriation for improving it.

In August, 1870, a project for that purpose was approved by the chief of the United States engineers, which after some amendments embraced the following :

Improvements.

The canal was to be made three and a-half feet deeper than it was before, the slope walls were to be removed and a timber revetment substituted ; where no rock existed it was to be brought up from the bottom of the canal, where rock was found it was to extend from the rock upwards, the rock to be trimmed off to the same slope so as to present a smooth surface with the timber work.

The guard gate was to be moved 700 feet farther up stream than it was before.

The walls of the old lock were to be prolonged up stream far enough to receive a pair of guard gates.

A new lock was to be made opposite the old ones, and 100 feet distant therefrom ; it was to have but one chamber 515 feet between the hollow quoins, 80 feet in width, the lift 18 feet, depth of water on the miter-sills of 17 feet.

The approach to the locks at the lower end to be lowered to deep water of 18 feet.

The approach at the head of the locks was to be made gradually, widening out from the guard-gates at their new position (where the old width of canal was to be retained) eastward until it became wide enough to open the way for vessels to the new as well as the old locks.

At the upper end of the canal the entrance which curved toward the lake was to be straightened so as to correspond with the general alignment of the canal.

The greater portion is accomplished at the present time.

It is expected that the whole will be so, early in the season of 1881.

The whole cost of the improvement will be about \$2,100,000.

Improvement of the St. Mary's River.

A survey and estimate of the cost of improving the channel now navigated of the St. Mary's river (outside of the canal proper) has been recently made; it is intended to give a depth of 16 feet of water, and a width of 300 feet, where dredging has to be resorted to, except in the two most costly places, where it will be 250 feet only.

The estimated cost of doing this work being required in twenty-seven different places is \$225,000, which it is expected will be used and the whole improvement of the St. Mary's river finished in 1881.

The above does not include the deepening the East Neebish rapids which the Canadian government is engaged in doing to the depth of sixteen feet also.

I am indebted for the foregoing to the reports of the government engineer in charge, Major G. Weitzell, U. S. engineer.

In his annual message to the Legislature of the State of Michigan, January 2, 1879, Gov. Crosswell says.

"The 23d of June last, marks a quarter of a century since ground was broken for the construction of the St. Mary's Fall Ship Canal. The tonnage through it has increased from 106,296 tons in 1855 to 1,667,136 in 1878 (1879, 1,677,071 tons). Its gross revenues during the same time have multiplied by ten; more than 5,000 vessels, many of them of large tonnage, have passed its locks in a single year, making an average passage of one boat every two hours and ten minutes during the time of navigation. The Legislature of 1869, by joint resolution, authorized the board of control to transfer the canal to the United States."

This, however, has not yet been done.

Canals in Michigan.

There have been several routes projected and surveys made for canals across the State of Michigan from the lake of that name to Lake Erie, one also to connect the former with Lake Huron from Grand Haven to Sagenaw bay and another to connect the south end of Lake Michigan with the Wabash and Erie canal near Logansport, Indiana, thence to Lake Erie at Toledo, by way of the now abandoned Wabash and Erie canal in Indiana, and that portion of the Miami and Ohio canal in Ohio, none of which projects present any insurmountable engineering difficulties.

Saint Clair River.

This river through which all the commerce of the three upper

lakes passes is about 32 miles in length from Lake Huron to Lake St. Clair.

The successful navigation of it for vessels of more modern draught of water required the removal of a bar at the mouth of Black river. The original survey for this work was made in 1871. It has cost about \$56,500 and is, practically speaking, finished, so as to give fifteen feet depth of water.

Saint Clair Flats Canal.

This canal was projected in 1866 as the best method of improving the mouth of the St. Clair river by making a direct cut from the mouth proper to deep water in Lake St. Clair.

Said canal to be 300 feet wide, with 13 feet depth of water, protected by dikes 5 feet in height, 58 feet wide on top, to be built of material dredged from the channel and thrown behind pile or timber revetments.

The work was begun in 1867, completed 1871 ; it is 7221 feet in length.

It was deepened to 16 feet of water in 1873 and 1874. The total cost has been about \$600,000.

Detroit River.

This river is 25 miles in length from Lake St. Clair to Lake Erie.

The most serious impediment to navigation between Lakes Huron and Erie is found at a point near the mouth of the Detroit river, known as the

Lime Kiln Crossing.

The bed of the river at this point is of limestone, the channel winding and the current is very swift.

An act of Congress in 1874 made an appropriation of \$25,000 for removing boulders and rock from the Detroit river. It was partly expended.

In the fall of 1874 and summer of 1875 the Canadian government spent \$5,000 on this work.

In 1875 the American government made a survey for improving this channel.

The excavation is to be 2,680 feet in length, 300 feet in width, and is to give twenty feet depth of water. The line of the same is to be a gradual curve.

The estimated cost is \$250,000.

In 1876 the balance of the \$25,000 appropriated in 1874 was expended.

In June, 1878, Congress appropriated \$100,000 for this work, and in August the work was begun. It has been carried on up to the present time.*

* From report of A. Mackenzie, captain, United States Engineers, who has charge of the work.

Canals of Ohio.

The canals of this State were begun in 1825, about the time of the completion of the Erie canal in this State, Governor Clinton participating in the opening ceremonies.

The Miami and Erie Canal.

This canal extends from the Ohio river at Cincinnati to Lake Erie at Toledo.

It is 256 miles between those two points. It has a branch (formerly a portion of the Wabash and Erie canal) 18 miles long, two navigable feeders, one of 14 miles and one of 11 miles in length, the latter bringing into the canal the water from St. Mary reservoir, comprising an area of 12,000 acres.

That portion from Toledo to the junction with the Wabash and Erie branch, 70 miles, is 50 feet in width at top water and 6 feet deep.

The branch for 18 miles, from the junction to the State line, has a top water width of 50 feet and is 5 feet in depth. From the summit to Cincinnati the size is 40 feet top water width and 4 feet deep.

The locks are 90 feet by 15 feet, with 4 feet depth of water on the miter-sill.

On the branch, 88 miles from its northerly terminus at the State line, it formerly was a part of the Wabash and Erie canal, which extended westerly through the State of Indiana. That State has sold her canals to private individuals, and this one is not used as such, farther than Fort Wayne.

There is some talk of enlarging this canal as well as the Wabash and Erie, making them both of the same size as the Erie canal, viz., 70 feet by 7 feet, with locks 110 feet by 18 feet. The United States engineers are at the present time making surveys and estimates for that purpose.

The Ohio Canal.

This canal extends from the Ohio river at Portsmouth, to Lake Erie at Cleveland. It is 309 miles in length.

It has several branches. The Wallhounding canal, 25 miles long; the Hocking canal, 56 miles long; the Muskingum improvement, 91 miles long.

The size of the prism is 40 feet wide at top water line and 4 feet deep.

The locks are 90 feet long by 15 feet wide, with 4 feet of water on the miter-sill.

Niagara River.

This stream, although not used on account of the rapids and the Great Falls as a part of the navigation of the chain of great lakes, is still navigable for some distance at each end.

At the Lake Erie end it can be used down to the head of the old portage at Sclosser, about two miles above the falls.

A lock at Tonawanda village gives access for boats from it up into the Erie canal 12 miles from Buffalo.

At the lower end it is in use from its mouth to the foot of the disused portage at Lewiston.

The State reserved one mile square at each terminus of the portage. Before the construction of the Erie canal, the goods for the western lake country were mostly taken over this route.

In 1806 the lease of the portage was sold at auction by the State, and the purchasers formed a complete line in the forwarding business from Albany by way of the Mohawk river, Wood's creek, the Oswego river, Lake Ontario and Niagara river to Black Rock and thence by said vessels up Lake Erie. This was the pioneer effort in a business which has since grown to such immense proportions.

Large quantities of salt and merchandise were also carried from Black Rock to Barcelona and landed, then were taken in wagons to the Chautauqua lake and thence by boat conveyed down the Cone-wango and Allegany rivers to the towns and villages on the Ohio, also from Erie, overland fourteen miles, to French creek and so down the Allegany, the boats bringing back nails, iron, glass, etc., for the lake ports.

A scheme for a canal around Niagara Falls was first broached in 1782. In 1808 a survey was made for such a canal between Sclosser and Lewiston. In 1835 the United States Government Engineers made another survey for a canal 110 feet in width and 10 feet deep, with locks 200 feet by 50 feet. The estimated cost was \$2,600,000 with single and \$3,600,000 with double locks.

In 1853 another survey of five different lines was made for a canal 160 feet wide and 14 feet deep, locks 300 feet long by 70 feet. The estimated cost of that between Sclosser and Lewiston was \$10,300,000 with single and \$13,200,000 for double locks.

As there does not seem to be any commercial necessity for its construction, the Niagara ship canal will probably be delayed a considerable time.

A survey has recently been made by the United States Engineers of a route for a canal from Lake Erie, at Buffalo, to Havre de Grace, as follows:

	Miles.
From Buffalo to Montezuma, by Erie canal.....	156
From Montezuma, by Cayuga and Seneca canal, to Geneva... ..	23
From Geneva to Watkins, Seneca lake.....	37
From Watkins to Elmira, by route of disused Chemung canal, ..	23
From Elmira to mouth of Chemung river.....	18
From mouth of Chemung river to Nanticoke dam.....	110
From Nanticoke dam to Northumberland.....	56
From Northumberland to the mouth of Juniatta.....	38
From mouth of Juniatta to Havre de Grace.....	87
Total.....	548

The estimated cost for the completion of this route, opening it for the passage of boats of 280 tons, is \$25,000,000, as per report of James Worrall, the civil engineer employed by the United States Engineer department to make the examination. The water supply would depend on the Chemung river for the canal portion of the route between Seneca lake and the Susquehanna; it would require to be supplemented by the construction of reservoirs in order to furnish the requisite amount of water for such a canal in seasons of severe drought.

As no canals are at all likely to prove serious competitors of the Erie, except the Canadian system, in order to make my list of canals complete, I beg leave to recapitulate what was given in your report of two years ago concerning them, mentioning first the

Projected Canals of Canada.

Various routes have been surveyed through that portion of the Province of Ontario, between Lakes Huron and Ontario, one from Georgian bay through Lake Simcoe to the Humber river, whose mouth is at Toronto. One from Georgian bay through Lake Simcoe, connecting that lake with the waters of the Trent.

There has also been a survey from Georgian bay up the valley of French river and through Lake Nipissing, and so to the Ottawa river, and down that stream to Montreal.

None of these routes possess, however, the natural advantages of the present Welland canal route.

The present canals of Canada between Lake Erie and tide-water, are the Welland, overcoming the falls of Niagara, and the St. Lawrence canal, overcoming the rapids of the river of that name.

Welland Canal.

This canal extends from Lake Erie to Lake Ontario. The upper entrance is at Port Colburn, the lower one at Port Dalhousie, about eleven miles west of the mouth of Niagara river.

This canal was completed in 1829, so that vessels passed from one lake to the other by way of the Welland and Niagara river, and was brought into use on its present line in 1833.

It had 40 locks all of wood, 110 feet long by 22 feet in width.

In 1841 it was decided to enlarge it, which was accomplished in 1848. The locks, 27 in number, are 150 feet long, 26½ feet wide, and had nine feet of water on the miter-sill.

In 1853, the depth of water on the miter-sill was increased to ten feet.

The increased size of the vessels navigating the Lakes led to the present enlargement, so that the canal is to be 100 feet wide on the bottom, 160 feet wide on top water-line, the locks to be 270 feet long, 45 feet in width, and to have 14 feet depth of water. The summit or deep cut to be lowered so as to take the waters of Lake Erie through to Lake Ontario.

This enlargement has been so far advanced that there is but one structure unfinished, viz.: the aqueduct over the Welland river. At a very early day this important improvement will be completed.

From the foot of the Welland canal to the head of the St. Lawrence river is 160 miles of lake navigation to Kingston.

From Kingston it is 66½ miles through that portion of the river known as "The Thousand Islands," to the upper canal of the series of such which constitute

The St. Lawrence Canals.

It is the intention of the Canadian authorities to enlarge these canals and locks to the same size as the new Welland canal with 14 feet depth of water on the miter-sill.

The group of short canals at the head of this artificial navigation are called

The Williamsburg Canals

and consist of first,

The Galop Canal.

It is 7½ miles in length, with three locks, with a total rise of 15½ feet. They are 200 feet in length and 45 feet in width, with nine feet of water on the miter-sill. The canal is 50 feet wide on the bottom and 90 feet on the top water line.

It was begun in 1843, and finished in 1856.

It is contemplated to lower the bed of the river at the upper end of this canal in what is known as the Galop rapids, by submarine work. The present depth is ten feet. It is intended to make it 16 feet, with a channel width of 300 feet.

This will do away with the necessity of enlarging the Williamsburg group of canals, except in the lengthening of the locks, so that vessels may go up them light when it is found necessary to do so.

The method of ascending this portion of the river will then be by cable towing, which can be done without interfering with vessels descending, there being no place in the channel except at this rapid having less than 22 feet depth of water.

Rapide Plat Canal.

This is 4½ miles below the Galop. It is four miles in length. It has two locks, with a total rise of 11½ feet. They, as well as the canal itself, are of the same size as the Galop canal.

It was begun in 1844, and finished in 1846.

Farran's Point canal

is ten and a half miles below the Rapide Plat Canal, its size and that of its lock are the same as in the case of the Galop canal.

The lock rise is four feet.

It was begun in 1844 and completed in 1847.

No work toward the enlargement has been done on either of the above canals.

It is five miles from the foot of the Farran's Point canal to the head of the

Cornwall Canal.

This canal which overcomes the "Long Sault" rapids, is eleven and a half miles long, it has seven locks with a total lockage of forty-eight feet; they are two hundred feet long, fifty-five feet wide and have nine feet of water on the mitre-sill

The bottom width of the canal is one hundred feet and the top width one hundred and fifty feet.

The construction of this canal was begun in 1834 and was completed in 1843.

The intention is to lengthen the present intermediate locks to two hundred and seventy feet and to raise them and also the banks and to strengthen the latter so as to give the requisite depth of fourteen feet of water, to renew the locks at the head and foot with like result as to depth of water, with this exception, that at the foot there will be two locks instead of three as at present. These two locks are completed, also about one mile of canal.

Lake St. Francis.

Between the foot of the Cornwall canal and the head of the Beauharnois canal is Lake St. Francis, a widening out of the river thirty-two and three-fourth miles in length, with a depth of water of twenty-two feet most of the way; some dredging, however, will be necessary to give the fourteen feet depth of water throughout.

Beauharnois Canal.

This is the only canal on the south bank of the river. It does not follow the course of the river but strikes somewhat inland, cutting off a bend, overcoming three rapids, viz.: the "Cedars," and "Cascades," four canals of short length and small size, were built by the French.

It was constructed between 1842 and 1850 as it is at present.

The length is eleven and one-fourth miles; it has nine locks of the same size as those on the Williamsburg canals; the total length is eighty-two and a half feet; width on bottom of the canal is eighty feet, at top water line one hundred and twenty feet.

The enlargement will consist of lengthening the present locks to two hundred and seventy feet, raising them and also raising and strengthening the banks so as to give the required depth of fourteen feet of water deepening at the head and foot for the same object, with new entrances and new locks.

No work has been done toward the enlargement of this canal. Between the lower end of the Beauharnois and the Lachine canals lies

Lake St. Louis.

This is another widening out of the river, it is fifteen and one-fourth miles in length and requires some dredging to give the fourteen feet depth of water throughout.

Lachine Canal.

This is the lowest of the St. Lawrence series of canals; it lies partly within and partly without the city of Montreal. The first canal was begun in 1821 and finished in 1824; it had cut stone locks one hundred feet long, twenty feet wide with four and a half feet of water on the miter-sill.

In 1843 its enlargement was begun and it was finished in 1848, with locks 200 by 45 feet, with 9 feet depth of water, the bottom width of the canal being 80 feet and 120 feet on the top water line.

In 1871 it was decided to still further enlarge it.

It has been accomplished.

It is now $8\frac{1}{4}$ miles long; the whole rise is $44\frac{1}{4}$ feet by five locks. In this canal the old locks are retained for future use; it also has five new ones 270 feet long by 45 feet, and having 14 feet of water on the miter-sills, except the two lower ones which have 19 feet, their use being to bring sea-going vessels from the river up into the basins. At the upper end is a new entrance leading to the new locks lying outside the old one; this entrance will be from 200 to 400 feet in width, made partly by placing cribs in the river, and partly by excavation of rock.

Of the canal proper, from the upper end down for a distance of one mile is through rock, and it has a width of 150 feet. This width extends to the lock at Côté St. Paul five miles; where not in rock it is walled up.

Below Côté St. Paul to the basins in Montreal there is an average width of 200 feet walled up by heavy stones laid dry.

The depth of water is fifteen feet.

The canal basins in Montreal have an area of 27 acres, in one-half of which there is a depth of water of 19 feet; they are also walled up with cut stone masonry laid in cement.

The Lachine canal takes in the trade passing through the canals on the Ottawa river.

The cost of the enlargement of the whole of the above canals is estimated at \$30,200,000, of which the Welland will take \$12,240,000, and the St. Lawrence canals, \$17,960,000.

From Montreal to Quebec,

the navigation was naturally impeded very much for vessels drawing over eleven feet of water, the worst place being in Lake St.

Peter, where the shortest distance between those places having twenty-feet depth of water was fourteen miles.

Operations were begun for the removal of these obstacles in 1844, and have been continued ever since; in 1852, vessels drawing fifteen feet could reach Montreal; there is now twenty-two feet of water throughout.

The work is to be continued until twenty-five feet depth of water is obtained, which result will be reached probably in 1882 or 1883. It has cost about \$1,750,000 up to the present time.

Montreal, Ottawa and Kingston.

Early in the present century the British government, in order to have a water communication between the ocean and the lakes without passing through that portion of the river St. Lawrence bordering on the United States, constructed a series of short canals to overcome the rapids of the Ottawa river as far up as the present city of Ottawa, and from that point connected that river with the foot of Lake Ontario at Kingston by a canal, making a total distance to reach the lake from the city of Montreal of $246\frac{1}{4}$ miles, as follows:

SECTIONS OF NAVIGATION.	River, miles.	Canal, miles.	No. locks.	Feet rise
Lachine canal, $8\frac{1}{2}$ miles.....	....	....	....	....
From Lachine canal to St. Ann's lock,	15	....	....	....
St. Ann's lock and piers.....	....	$\frac{1}{8}$	1	3
From St. Ann's lock to Carrillon canal	27	....	....	....
The Carrillon canal, two locks up $21\frac{1}{4}$	....	$2\frac{1}{8}$	3	$8\frac{1}{4}$
feet, and one down 13 feet.....	....	....	....	....
From Carrillon canal to Chute à Blondeau canal.....	4	....	....	....
The Chute à Blondeau canal.....	....	$\frac{1}{8}$	1	$3\frac{1}{4}$
From Chute à Blondeau canal to Grenville canal.....	$1\frac{3}{8}$	....	....	....
The Grenville canal.....	....	$5\frac{3}{4}$	7	$45\frac{1}{4}$
To the entrance of Rideau canal....	56	....	....	....

The locks on these canals are from 126 to 130 feet by 32 feet, except St. Ann's lock, which is 190 feet by 45 feet; depth of water on the miter-sill 6 feet to $6\frac{1}{4}$ feet.

The Rideau Canal

extends from the Ottawa river to Lake Ontario at Kingston. Its length is $126\frac{1}{4}$ miles.

The number of locks going from Ottawa to Kingston is thirty-three, ascending with a rise of $282\frac{1}{4}$ feet, and fourteen, descending with a fall of 164 feet.

Depth of water on the miter-sills, 5 feet.

Depth of water in the canal, $4\frac{1}{2}$ feet.

The width of the canal on bottom is 60 feet, at top water line 80 feet, in rock it is 54 feet wide.

Richelieu and Lake Champlain Canal.

This navigation is in the province of Quebec, Canada; it commences at the confluence of the rivers St. Lawrence and Richelieu, at Sorel, 46 miles below Montreal, and continues up the Richelieu to the Basin of Chambly, where it takes the Chambly canal to St. Johns and again follows the river Richelieu to Lake Champlain, of which that river is the outlet.

The St. Ours lock is 14 miles from Sorel; here are two dams 300 and 600 feet long, respectively, one on each side of an island; the length of the canal is ($\frac{1}{8}$) one-eighth of a mile; it has one lock of 5 feet lift 200 by 45 feet, with 7 feet of water on the miter-sill.

The Chambly Canal

is 32 miles from St. Ours lock, in Chambly basin, a natural expansion of the river, at the foot of the Chambly canal, which is 12 miles long, 60 feet wide and 7 feet depth of water. There are nine locks, with a total lockage of 74 feet; they are from 118 to 125 feet long and 23 to $23\frac{1}{2}$ feet wide:

A large trade in lumber for the New York market is done on this canal.

To make a better connection between the St. Lawrence river and Lake Champlain, it has been proposed to enlarge this canal and raise the dams at St. Ours 4 feet, so as to give 10 feet depth of water, at an estimated cost of \$2,000,000.

There have been also several surveys made for independent canals for that purpose; one from the St. Lawrence at Longueil, opposite Montreal, a distance of $28\frac{1}{2}$ miles, at a cost estimated at \$3,500,000.

One from Caujhnawauga to St. Johns, at the head of the Chambly canal, with Lake Champlain level for a summit, $34\frac{1}{2}$ miles in length, with two ascending locks from the St. Lawrence and a guard-lock at St. Johns; the estimated cost is \$3,700,000.

Another from Caujhnawauga to St. Johns, the water taken from the highest level on the Beauharnois canal to a summit level, to have five descending locks to the St. Lawrence and three to Lake Champlain; length of canal, $25\frac{1}{2}$ miles, of feeder, 16 miles; estimated cost, \$3,000,000 for canal, \$1,300,000 for the feeder, or an aggregate of \$4,300,000; the canal to be 124 feet top water width, 11 feet depth of water, locks 250 feet by 36 feet, and 10 feet water on miter-sill.

To complete the line of communication from the great lakes to tide-water through this channel, there remains Lake Champlain, 144 miles, and the Champlain canal, which is one of the canals of the State of New York.

Champlain Canal.

This canal extends from Whitehall, at the head of Lake Champlain, to its junction with the Erie canal at Waterford, 7 miles from Albany.

Its construction was authorized in 1817. It was completed in 1822. Its length is 66 miles.

The size of prism was 40 feet wide on top water line, 26 feet wide on the bottom, and four feet depth of water; the locks 90 feet by 15 feet.

The size has since been changed in 1870, to 58 feet wide on top water line, 44 feet wide on the bottom, with six feet depth of water, to which it has not yet been completed, however.

There are 23 locks; their size are, as rebuilt, 110 feet by 18 feet, fitted for seven feet depth of water.

Boats of the size of those navigating the Erie, drawing five feet of water, are now used on this canal.

The Oswego Canal.

This canal extends from Lake Ontario, at the city of Oswego, to the Erie canal at Syracuse.

Its construction was first authorized in April, 1825. It was completed in December, 1828. Its length was 38 miles.

The size of the prism was 40 feet wide at top water line, 26 feet wide on the bottom, the depth of water four feet.

There were 18 locks, which were 90 feet by 15 feet.

There were six guard-locks.

The average burden of boats, 70 tons.

The cost, \$565,437.

In 1847 the enlargement of the locks on this canal was authorized. In April, 1854, the enlargement of the canal. It was completed in September, 1862. Its length is 38 miles as before.

The size of the prism is 70 feet wide on top water line, 56 feet on the bottom, and 7 feet depth of water.

It has 17 locks, 110 feet by 18 feet.

There are five guard locks.

The total lift is 155.55 feet, corrected by Mr. Porter from new Erie survey.

Its supply of water is from the Erie canal and the Oswego river.

The burden of the boats is 230 to 240 tons.

The cost has been \$4,264,806 (see State Engineer's Report of 1878, page 93).

The Erie Canal.

Extends from the Hudson river, at Albany, to Buffalo, on Lake Erie.

Its construction was first authorized in April, 1817; work was first commenced on July 4, 1817; it was open to Buffalo in 1825.

Its construction was completed in 1836.

It was 363 miles in length.

The size of the prism was 40 feet at top water line, 28 feet on the bottom, the depth of water, four feet.

There were 83 locks; their size was 90 feet by 15 feet.

The average burden of the boats, 70 tons.

The cost, \$7,143,789.

Before 1836 it was found to be too small for the business which was thrust upon it, and some of its structures had to be renewed.

In May, 1835, its enlargement was authorized. It was begun in August, 1836. It was completed September, 1862.

It is 352 $\frac{18}{100}$ miles in length.

The size of the prism, 70 feet on top water line, 52 $\frac{1}{2}$ to 56 feet on bottom, depth of water, seven feet.

The number of locks, 72; their size is 110 feet by 18 feet.

The total lockage by levels of the Erie survey, 1876, is 656 $\frac{47}{100}$ feet.

The total rise from mean tide at Albany, to low water in Lake Erie, is 572 $\frac{23}{100}$ feet.

There are five locks with a total lift of 44 $\frac{70}{100}$ feet, which lock up going east.

The supply of water for about 155 miles, viz.: from Buffalo to the Seneca river, is almost entirely from Lake Erie.

From that point eastward, it is supplied from streams, lakes and reservoirs as far as Little Falls, whence it is supplied by the Mohawk river alone. The burden of the boats which navigate it is 230 to 240 tons. The cost has been \$44,465,414. Total cost of construction and enlargement, \$51,609,200.

The size and elevation of the Lakes are as follows:

LAKES.	Length, miles.	Breadth, miles.	Depth, feet.	Elevation above sea, feet.	Area in square miles.
Superior.....	460	170	800	600	31,500
Michigan.....	330	90	700	576	22,000
Huron.....	280	110	700	574	21,000
Erie.....	250	60	200	565	9,000
Ontario.....	180	60	600	235	6,400
Winnipeg.....	.....	.....	.....	650	8,500
Manitoba.....	.....	.....	.....	670	1,900
Winnipegosis.....	.....	.....	.....	662	1,986

	Miles.
From Chicago to Montreal, via Canadian canal.....	1, 260
From Chicago to New York, via Erie canal.....	1, 400
From Chicago to New York, via Chamby canal, Lake Champlain, etc.....	1, 660

From Duluth it is about 200 miles farther to either of the above-mentioned places than from Chicago.

Respectfully submitted,

THOS. EVERSHED, *Division Engineer.*

HUDSON RIVER IMPROVEMENT.....	170

*Expenditures by the State Engineer and Surveyor during the season
of navigation, 1880:*

Salary of assistant engineers in charge.....	\$1, 344 94
Salaries of engineers, tide gaugers, etc., in making the surveys, and assistant engineers and inspectors of dredging.....	3, 424 16
Tug hire for towing scows to dumping grounds and use of engines in survey.....	1, 305 50
Expenses of engineers, cost of rowboat, steamboat and railroad fares, tide gauges, ranges, etc.....	198 85
Gurley & Co., one protractor.....	35 00
David Gregg, labor leveling material.....	30 00
Printing blanks and advertising for proposals.....	52 51
Paid to contractors for dredging.....	31, 806 08
Total.....	\$38, 197 04
<hr/>	
Balance of appropriation of 1879.....	\$8,204 69
Appropriation, chap. 51, laws of 1880	30,000 00
	<hr/>
Amount expended in 1880.....	\$38,204 69
	<hr/>
Balance	\$7,65
	<hr/>

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